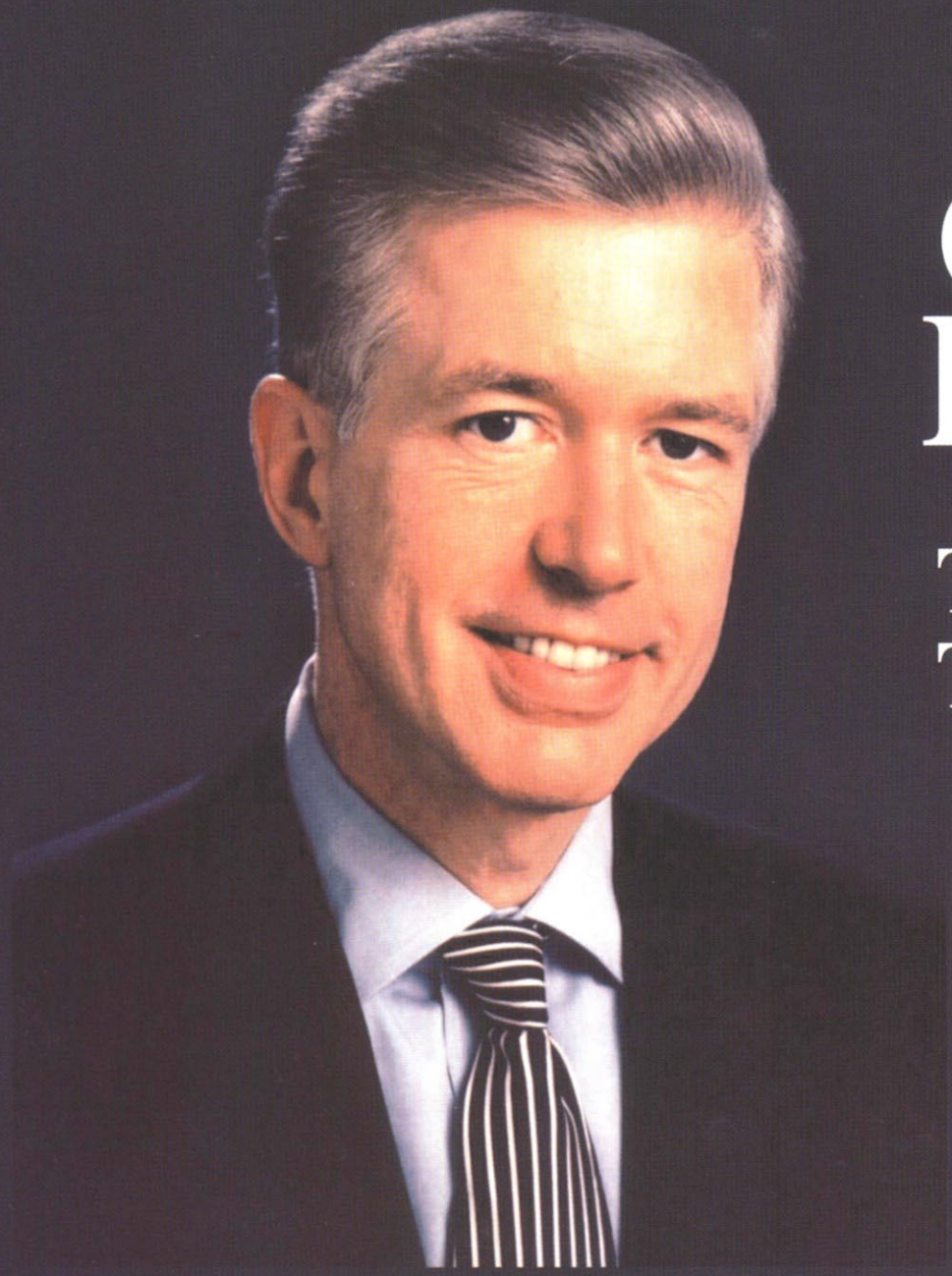
Sinking the President's Judges *by Mark S. Pulliam*

CALIFORNIA ★ POLITICAL
REVIEW
MAY/JUNE 2002 • VOLUME 13 • NUMBER 3 • $3.50

Nofziger!
Western Conservative Conference
by William E. Saracino

Klamath Victory
The left loses a round
by Anne Hayes



Gray Davis
The First Term

A *CPR* chronology, compiled from news reports and original sources.

Plan of Action *for a* Grand Old Party
A *CPR* interview: Senator H.L. Richardson

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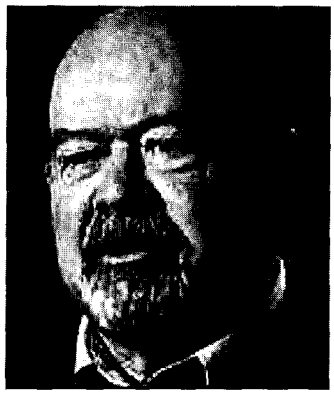

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Lyn Nofziger is a World War II army veteran, a former newspaperman, the author of four--going on five-Western novels. He has served in Ronald Reagan's governor's office and White House. He has run and participated in numerous political campaigns, including five for president. Lyn is remembered most of all for being the loyal spokesman for the President most loved by conservatives, his friend Ronald Reagan (further info, see http://www.lynnofziger.com).

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CORRESPONDENCE

Choosing a future

[*California Political Review's* March/April issue] is a handsome job. I congratulate you.

William A. Rusher
San Francisco

Congratulations on the March/April issue! A stunning achievement for you and the staff.

Vincent P. Welch
San Rafael

UC's new admissions policy

I am writing with the hope of clarifying some issues raised by George Neumayr's Feb. 6 *CPR Online* commentary on admission policies at the University of California ("Backdooring Preferences at UC," *CPR Online,* www.cppf.org — under "Archives," go to "Online Columns," then, under "George Neumayr," to "Older George Neumayr columns").

First, UC's new comprehensive review admissions policy does not reward students for their background but rather for the academic achievements they attained given their opportunities. UC complies fully with Proposition 209 and does not consider race or gender in the admissions process.

Second, UC is not replacing the SAT I with an "easier" test. The faculty is considering a proposed set of testing policies and principles that would enhance the depth, breadth, and rigor of the tests used in the UC admissions process. Students would need to know more about their test subjects, not less. A writing sample would be required as part of the core group of tests, and the math section would require more depth of understanding than is now the case.

Finally, the testing proposal being considered by the faculty would bolster the educational standards movement, not undermine it. Aligning an admissions test with what students should be learning in the state's high schools would provide a clear measure of school performance, an improved gauge of students' ability to master their subject matter and a strong incentive for poor schools to improve.

The University of California's standards of excellence are what drew most faculty members here in the first place. As we consider the best ways to measure students' achievement in the admissions process, our aim is to preserve and even heighten those standards — certainly not to weaken them.

Professor C.R. Viswanathan
Chair
UC University-wide Academic Senate
Oakland

George Neumayr responds

This letter confuses rather than clarifies. The statement "UC's new comprehensive review admissions policy does not reward students for their background but rather for the academic achievements they attained given their opportunities" euphemistically conveys exactly what I asserted: standards are lowered for those students deemed disadvantaged.

As for Professor Viswanathan's second point, does anyone really believe that replacing the SAT test with a test tied to the curriculum at California high schools will "enhance the depth, breadth, and rigor of the tests used in the UC admissions process"? UC President Richard Atkinson hopes to junk the SAT precisely because that California high school curriculum fails to produce students smart enough to do well on it.

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SACRAMENTO SPECTATOR

If you've been following this space over the last two editions, you know that your *Spectator* has been charting the demise of the four GOP Assemblymen who abandoned their caucus to vote with Gray Davis and the Democrats for last year's tax-raising state budget.

You will recall that half the quartet chose to retire, Assemblymen Dave Kelley and Anthony Pescetti announcing they would not seek re-election.

As for the remaining duo, Dick Dickerson and Mike Briggs, your *Spectator* predicted their defeat in contested March primaries — on the mark! Despite heavy backing from labor groups, Dickerson was walloped by Assemblyman Sam Aanastead in a battle for what was Maurice Johannessen's Senate seat (a Senate traitor who was termed out). Briggs finished third in the 21st Congressional District. The lesson? It doesn't pay Republicans to vote to raise taxes. The danger? All four of these lame ducks could vote for the budget again *this* summer.

Some conservative leaders keep calling for the resignation of Bush California *Cappo* Gerry Parsky from the California Republican Party's board of directors. But sources tell your *Spectator* that Parsky isn't going anywhere; the president has full confidence in him. The White House does not blame Parsky for the Dick Riordan nebula, and CRP Chairman Shawn Steel was a bigger Riordan cheerleader than Parsky was.

When former CRP Chairman Mike Schroeder called for Parsky's resignation in the *Los Angeles Times,* Simon campaign chairman John Herrington essentially tossed Schroeder

overboard, sending a clear indication that the Simon operation has made their peace with Parsky and the White House. Want more evidence? Bush will be out in April to raise big bucks for Simon.

There is growing speculation that Gray Davis is destined for a major public meltdown between now and November. Davis, infamous in Sacramento for a nasty temper, launched into a bizarre outburst with the *San Diego Union-Tribune* editorial board in March. Davis complained that he hasn't gotten "squat" for "panicking" — his words — and signing more than $40 billion in long-term energy contracts (which he is now trying to undo). He also told the *U-T* board he "saved this friggin' paper."

Is Davis feeling the pressure as he faces the election? His negative ratings with voters have stayed consistently high, meaning his unpopularity is becoming permanently fixed in the minds of voters. At the same time, Republicans are enjoying their highest approval ratings in California since Reagan's heydays. Worse yet, Davis knows the looming budget crisis will generate weeks of bad press for him while he'll have to cut spending going to core Democrat constituencies.

Meanwhile, Democrat consultants, reputedly tiring of the "hubris" of Davis political strategist Garry South, are openly questioning South's strategy to run ads against Riordan in the GOP primary. Some murmur Davis would have had a better chance against Riordan who turned out to be a lousy candidate. Others question a Davis re-election strategy that seems limited to branding Simon a right-wing extremist.

Bottom line: Davis knows he is in the fight of his political life and Democrats are sniping at him behind the scenes. The man doesn't handle pressure well. Watch for GOP operatives to try to provoke Davis into an embarrassing public outburst.

— A. P. C.

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Sinking the President's Judges

Democrats are playing partisan hard ball on judicial appointments, denying Bush one of the major privileges of his office.

MARK S. PULLIAM

YOUR CORRESPONDENT sometimes feels that this column, like the cycles of history, repeats itself. How many times, and in how many different ways, can one reprise the theme of entropy that characterizes our legal system, without becoming redundant? Yet the familiar, previously-explored trends continue, as surely as organic matter decays.

In the U.S. Senate, the left-wing cabal in charge of the Judiciary Committee (including so-called "moderate" Dianne Feinstein) is committed to denying a floor vote to President Bush's nominee to the Fifth Circuit Court of Appeals, Charles Pickering, even though the liberal-leaning American Bar Association rated him "well qualified," and he was unanimously confirmed to the District Court by a Democrat-controlled Senate in 1990.

Meanwhile, the unprecedented bi-partisan judicial selection committees (headed by Gerry Parsky) set up by the White House to screen potential nominees in California have given surrogates chosen by Feinstein and Barbara Boxer veto power over Bush's trial court appointments (before they even *get* to the Democrat-controlled Senate). Even as Boxer/Feinstein have summarily rejected Rep. Chris Cox as an appointee to the Ninth Circuit, and threaten the same fate for the extraordinarily-qualified Los Angeles Superior Court Judge Carolyn Kuhl, whom Bush also nominated, the bi-partisan committee in Los Angeles has recommended three Democrats to fill vacancies on the Central District of California. In San Diego, Parsky's committee recommended two non-Republicans for the post of U.S. Attorney despite a plethora of well-qualified Republicans.

Why is Bush rewarding his opponents in this fashion? Democrats are playing partisan hard ball on judicial appointments, denying Bush one of the major privileges of his office. It makes no sense to surrender the appointment prerogative — something no prior administration has ever done — when the opposition is brazenly exceeding its "advise and consent" role. (This shows about as much political acumen as did backing Dick Riordan for governor. Note to White House: Start reading *CPR.)*

At the state court level, the state Bar's notoriously biased Commission on Judicial Nominees Evaluation (the clique of bar activists that rated super-star Justice Janice Brown "not qualified" for the California Supreme Court) has been going easy on Governor Gray Davis's judicial nominees — finding only 9 percent of his candidates "not qualified" last year, compared to a historical average of 21 percent. Davis's first California Supreme Court appointment, Carlos Moreno, a much-hyped "centrist," demonstrated that, at least in cases involving property rights, he is as liberal as the late Stanley Mosk, whom he replaced.

ON MARCH 4, 2002, in *San Remo Hotel v. City and County of San Francisco* (see "Fall Guys," by M. David Stirling, *CPR,* Jan./Feb. 2002, for background), Justice Moreno joined the Court's liberal bloc (Werdegar, Kennard, and George) to form a 4-3 majority upholding San Francisco's hotel conversion ordinance, which required the owner of a small North Beach hotel to pay a "conversion fee" of more than $500,000 for the privilege of renting all the hotel's 62 rooms. The owner's crime? He had invested more than $1 million to renovate a decrepit flophouse (in the city's parlance: a "residential hotel") into an upscale tourist hotel. Instead of thanking the entrepreneur for alleviating urban blight and contributing to the city's tax base, the city extorted the fee as a condition of allowing the

Mark S. Pulliam, California Political Review's *legal issues correspondent, is an attorney in private practice in San Diego.*

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THE FRONT LINE

Primary lessons

Oops — a funny thing happened on the way to the Riordan coronation — he lost.

It is important to talk about why he lost. Many in the press (and some left-leaning Republicans) want to blame the Riordan collapse on Gray Davis and his "brilliant" strategy of "attacking" Mayor Riordan in the primary. The Davis attacks consisted mainly of accusations that Riordan was too Republican to win a statewide election in California. Distilled to their essence, the Davis commercials said: "Riordan is trying to look like a Democrat, because he knows — and you know — that Republicans are bad."

Thus, Riordan was actually being rehabilitated in the eyes of many Republicans when he responded to the Davis commercials with a vehement denial of his Republican credentials. To add insult to injury, the former Los Angeles mayor then went on to criticize rank-and-file Republican voters for being too conservative, and chided them for not selling out their principles to gain power.

So, injured and insulted, these rank and file Republicans turned from Riordan to Simon, who told them "I, like you, am proud to be a Republican." In the meantime, Bill Jones never raised enough money to cut through the political cacophony.

And Simon's win was not conservatives' only major victory election night. The primary made it clear that conservatives, though having wandered for years without a strong statewide leader, are still breathing in California. Dennis Hollingsworth, outspent and mercilessly attacked by his "moderate" opponent Charlene Zettel, handily bested her in the

36th state Senate district (Riverside and San Diego Counties).

Every union and left-wing group that plays in GOP primaries joined Zettel in mugging a fine conservative. The conservative groups all joined Hollingsworth. After Zettel and her friends spent a million dollars (compared to a little more than $300,000 by Hollingsworth), Hollingsworth won 55 percent of the vote.

In the northern California 3rd Senate district, Sam Aanestad's defeat of Richard Dickerson proved that tax-raising Republicans invite their own retirement, no matter how much unions try to help them.

Taxpayer groups were livid over Dickerson's budget vote to increase taxes $1.2 billion. Public employee unions, eager to prove that a Republican could raise taxes and win, instead sent the opposite message by losing. Next to a newly-formed Simon administration, the state Senate is now the most likely starting place for an emerging conservative Republican policy agenda in the state.

The Assembly is also in much better shape than it has been for several years. In all but one race, the more conservative candidate won. The key question for Assembly Republicans will be how well this "new crop" of legislators can learn to stick to their principles when the going gets tough.

March 5 was good for California's conservative movement, reaffirming that rank-and-file Republicans remain conservative. But it represented no more than a start if the movement is to regain significant influence over state government. A Simon victory in November will show that a conservative can win in California — a truth many liberal Republicans won't want to see demonstrated. If California is to see any real shift in political direction, conservative activists will have to deliver the votes for Simon and for conservative Republican legislative nominees — and they will have to go to work now.

CPR

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owner to rent rooms to tourists, thereby forcing an individual property owner to confer a public benefit (funding low cost housing). The majority upheld this blatant taking of private property. In dissent were Marvin Baxter, Ming Chin, and, in a remarkable *tour de force* of a separate opinion, Janice Brown.

THEIR COFFERS gorged with loot from plundering the asbestos, tobacco, and other industries, plaintiffs' personal injury and class action lawyers continue to pour huge amounts of money into political campaigns, in order to ensure that the state's civil justice system remains a rigged, dysfunctional enterprise. For his re-election campaign alone, Gray Davis received more than $1.1 million. Bill Lockyer received more than $400,000. Not only does the plaintiffs' bar invest heavily to elect and re-elect its candidates, trial lawyers also spend huge amounts on lobbyists to influence legislation in Sacramento — more than $2.3 million in 1999-2000. Each term, the Legislature obliges by enacting an incomprehensible flood of unnecessary new laws, exacerbating the regulatory Tower of Babel with which businesses are expected to comply. These prolix statutes are the grist for future lawsuits, when the plaintiffs' bar brings class action claims against corporations for the inevitable noncompliance. It's like a speed trap in a rural southern town brought to a massive scale.

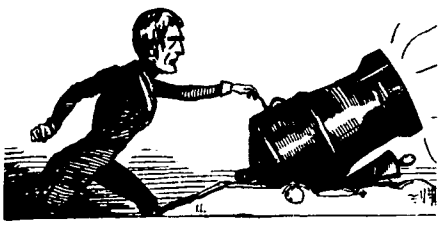
As a result of years of trial lawyer influence, California's civil justice system is among the nation's least hospitable to business. A recent study conducted by the U.S. Chamber of Commerce ranked California 45th of the 50 states overall, based on corporate perceptions of the litigation climate, broken down into components such as judicial competence, willingness to dismiss frivolous lawsuits, pre-trial discovery, control of quack "expert" witnesses, fairness, predictability, treatment of class actions, punitive damages, and so forth. California eked out a slight edge over such plaintiff-friendly back waters as West Virginia, Mississippi, and Alabama. In some categories, such as treat-

WHAT YOU HAVEN'T BEEN TOLD ABOUT GUN CONTROL

By SAM PAREDES

In his first post-primary speeches, Gray Davis specifically criticized Bill Simon for winning Gun Owners of California's endorsement and an NRA "A" rating, alongside jabs at Simon for being pro-life. Besides encouraging his opponent to fall into the Lungren trap of waffling and back-pedaling — that is, of showing himself unsure of his convictions, perhaps a little duplicitous, and generally not ready to lead — the governor's opening gambit is designed to firm up his own support within his Party's liberal base, a base now much dissatisfied with their partisan leader. Davis has shown himself not an easy man to like, and one given to Capt. Queeg-like bursts of persecution complex to boot (*viz.*, his *San Diego Union-Tribune* editorial board meeting melt-down). To reassure his shaky grounds troops, then, Davis will likely sign every piece of left-wing legislation landing on his desk. He will be increasingly anti-gun, anti-business, anti-family, pro-union, pro-abortion, and pro-government growth. Governing from the middle is out the window.

Davis helped Bill Simon become the GOP nominee for governor. Newspapers and the governor's *spinmeisters* say this was his goal all along. I don't think so. I believe he intended to wound Richard Riordan early to make it easier to defeat him in November. Riordan's political views so mirrored Davis's own, he had few alternatives but to undermine Riordan's credibility.



But against Simon, Davis faces a stark contrast in governing philosophy as well as credibility. Having turned a $12 billion surplus into a $17 billion deficit, Davis saw in the GOP primary that the conservative voter is well-motivated. He must similarly fire-up liberal voters who otherwise might stay home in November. He can't afford to let that happen. The electorate may take a chance, voting for an unknown candidate over a known disaster, as a lengthening line of polls over many months have shown voters to believe Davis to be. Statewide candidates usually move to the middle; Davis won't have that luxury.

So prepare for more attacks on the Second Amendment. The good news is voters will have something real to decide in the end. CPR

Sam Paredes is executive director of Gun Owners of California.

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ment of class action suits, punitive damages, and jury predictability, California was in the bottom five nationwide. (This ranking explains why businesses are so eager to resolve disputes by binding arbitration rather than litigation in California, and why trial lawyers vehemently oppose arbitration.) Some of the better-performing jurisdictions in the survey included states adjacent to or near California, including Washington, Colorado, Utah, Arizona, and Oregon. How does the Golden State expect to attract and keep businesses when it has the most unfriendly legal system in the region? Without reform, the recession will continue.

Not even the state itself (*i.e.,* the taxpayers) is safe from predatory litigation. After repeated ACLU lawsuits against the state succeeded in establishing that medical care is among prisoners' constitutional "rights" (a "right" that law-abiding Americans do not enjoy), in January a convicted two-time felon serving a 14 year sentence for robbery received a heart transplant at taxpayer expense. The cost of the procedure and aftercare is expected to exceed $1 million. Approximately 4,000 Americans, including more than 500 Californians, are on waiting lists for a heart transplant. Many will die waiting, or cannot afford the procedure. The lesson seems to be that to improve their chances they should rob a bank.

Elite lawyers take pride in forcing the state to coddle prisoners as if they were patrons of an exclusive spa. The California Department of Corrections recently settled a federal class action lawsuit on behalf of nearly 160,000 state prisoners who complained they were being deprived of adequate medical care. For example, the lawsuit charged that some prisons don't have nurses on duty on evenings and weekends, providing inmates with "medical technical assistants" instead. The settlement, which will cost $122 million a year to implement (on top of the $663 million a year currently spent on medical care for prisoners), will ensure that all prison clinics have 24-hour-a-day nursing coverage. According to *The Recorder,* a legal newspaper, "eventually inmates will have health care based on an HMO model, which includes a primary care physician." Free, of course, to the criminals already enjoying food and shelter at no charge. What's next? Concierge service? Manicures? Bring back the chain gangs! The most outrageous part of this story is that two prestigious Bay Area law firms — the sort that typically charge premium fees to Fortune 500 clients — represented the prisoners *"pro bono," i.e.,* as a public service, without charging a fee. Instead of receiving the opprobrium these country club do-gooders richly deserve for causing such mischief, they will be feted with praise for their civic-mindedness and compassion. I predict the two law firms will win an award from the organized bar for their "pro bono" work.

Cook the Books

Arthur Andersen's indicted
By the feds. The firm's been cited
For shredding papers by the bale
To keep the Enron chiefs from jail.
Also to keep from us the facts
That their accounting had been lax.
But now it seems they're in a jam
For hiding what was Enron's scam —
A plan to make its bosses rich
But leave investors in a ditch.
The plan blew up. Enron has failed.
Among those who may now be jailed
Are men from Arthur Andersen
Held to account by Justice's men.
The moral's this: Don't cook the books
For clients who just may be crooks.

— by Joy Skilmer*

HAS THE entire system gone mad? Fortunately, no, or, at least, not yet. There are, I am pleased to report, some "good guys" at work in California's legal system. The Pacific Legal Foundation, based in Sacramento, has been fighting the good fight since 1973. (Full disclosure: I serve on PLF's Board of Trustees, although the views expressed here are my own.) PLF is a conservative counterpart to the ACLU. It is a litigating organization, standing up for economic liberties and limited government. Central to PLF's mission is the protection of property rights. PLF has litigated many of the landmark cases in this area, establishing such key U.S. Supreme Court precedents as *Nollan v. California Coastal Commission,* and helping to shape the law by filing "friend of the court" briefs in all significant property rights cases. PLF is not a one-trick

** The collected poems of Joy Skilmer, né Lyn Nofziger, are available from MND Publishing Inc., 573 Marina Rd., Deatsville, AL 36022. Keep up with Lyn's regular "musings" at: www.lynnofziger.com*

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pony. It is also committed to the constitutional ideal of equal treatment regardless of race. The non-profit PLF successfully defended Prop. 209 (CCRI) and has sued many municipalities and state-run universities that continue using quota-based racial preferences in defiance of the law.

PLF has also fought on behalf of the Boy Scouts, opposed environmental extremism (*See:* "Klamath Victory" by Anne Hayes, this issue of *CPR*, p. 11), taken on the state Bar for misuse of compulsory dues, challenged confiscatory rent control laws, promoted sensible liability rules, defended Prop. 227 (the ban on bilingual education), defended school vouchers, and generally taken on the liberal establishment when it interferes with individuals' property rights or other freedoms. In addition to its Sacramento headquarters, PLF has offices in Hawaii, Alaska, the Pacific Northwest, and Florida, and litigates cases before administrative agencies, trial courts, and on appeal, in state and federal court, across the country. PLF has the resources, commitment, and expertise to take on any opponent and prevail. PLF is older, bigger (with almost 20 attorneys on staff), and more influential (with approximately 150 pending cases) than any other organization of its kind. We're lucky to have PLF in our corner. For more information about this outstanding group, visit its website at *www.pacificlegal.org.*

Your correspondent wants to hear from you. Do you have tips, topic suggestions, or other feedback? Send an e-mail to *Mark.Pulliam@lw.com.* CPR

THOSE IN POWER OVER US

Skating 'Round the Rules

How the University of California is Being Corrupted by Its Drive for Racial Diversity

M. DAVID STIRLING

A FIGURE SKATING competition at the 2002 Winter Games revealed in dramatic fashion that the absence of objective standards by which to judge the contestants' performances can blemish the result. Unlike judges who must abide by firm rules and the clock, judges allowed to score on the basis of personal opinion and discretion will always be tempted to mischief. As a result, "scandal" and "corruption" are now part of the documented history of the Winter Olympics and pairs figure-skating judges face the unwelcome heat of the public spotlight.

In quite another world — the one most of us inhabit — thousands of high-schoolers seeking admission to the University of California will be subjected to the same sort of missteps that marred the figure-skating competition. Students who have spent years preparing for the academic competition of their lives are being forced to leave their fates to subjective judges who will score them less on academic achievement than on intangible standards in a secretive, results-oriented decision-making process.

Precisely what are the University's criteria in choosing whom to let in? The question was easy to answer when UC relied primarily on high school grades and SAT scores to make its decisions. But the end of that approach – and the higher degree of objectivity it brought with it – was set last fall, when the UC Board of Regents adopted a modified process for selecting freshmen students to take effect in the fall of 2002.

UC's new criteria places greater emphasis on the applicant's "life's experiences and special circumstances." Admissions personnel will take account of such things as an applicant's disabilities, socioeconomic background, refugee status, any challenging personal or family situations, any adversities overcome. But beyond these general, amorphous criteria, the public hasn't been treated to much clarity.

While "Comprehensive Review," as the new process is called, will be applied to all applicants, its main purpose is to soften the criteria for admitting the 25 to 50 percent of freshman not selected primarily ac-

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cording to high school grades and SAT scores. An unavoidable effect will be to reduce the numbers of high academic-achieving students whose admission would have been assured under the former, more objective selection process.

To be sure, for internal administrative purposes, UC officials apparently have tried to quantify the inherently subjective realm of "life experiences." According to one newspaper report, a committee of admissions personnel devised a point system in which various "life's experiences and special circumstances" are assigned numerical values. For example: "raised by a single parent": 200 points; "Physical disability": 400 points; "First generation to attend college": 250 points.

Yet these fundamentally arbitrary yardsticks only lead to more head-scratching. If an applicant raised by a single parent gets 200 added points, how many points should be added for the applicant raised by his grandmother? What about the applicant who spent time in a foster home? Will the awarding of points for the array of possible physical disabilities or medical conditions be like the California Worker's Compensation Injury and Illness Schedule, where, for example, the loss of a hand warrants a higher award than the loss of one finger? And finally, how many points should be added for the countless "miscellaneous" circumstances, such as those of an applicant from a rough neighborhood who describes how he resisted peer pressure to join a gang?

It's troubling that although applicants are encouraged to write about their difficult experiences and circumstances, *the new process has no effective means of verifying the accuracy of what they say.* The sheer numbers would make follow-up impossible. Comprehensive Review calls for "application readers" at each of the eight UC campuses to peruse each "personal statement" submitted. In the case of UCLA alone, this could mean an Everest of more than 38,000 essays; for UC Berkeley, 36,000; and UC San Diego, 42,000. And if this point system is not vulnerable enough to subjective design, how does the university propose to assure uniform training and implementation among application readers who, no doubt, will be working through submissions at breakneck speed?

CRITICS ARE highly suspect that the surreptitious and non-quantifiable admissions process now in place at the university's eight undergraduate campuses is the administration's way of reintroducing race preferences through the backdoor. One dissenting Regent cites the race-preference agenda as the reason UC officials deliberately lowered admissions standards. UC President Richard Atkinson – who reportedly favors UC dropping the SAT altogether – repeatedly denies a race-based motivation, but his disclaimers ring hollow in light of the University's long history in that direction.

In his book, *Creating Equal, My Fight Against Race Preferences,* Ward Connerly described the scene at the 1994 UC Regents' meeting where he, as a new Regent, first questioned the dominant role race and ethnicity were playing in the university's admission criteria: "Judging from the pained reaction to my comments, one would have thought that a skunk had just entered the picnic area."

PRIOR TO this meeting, Connerly had delivered to President Atkinson a copy of a research document that came to be known as the "Cook Report." It analyzed the case of one James Cook, a student who, by the time Connerly gave President Atkinson the report, was attending UC Davis medical school. But, although he finally gained admission, his parents could not shake the nagging question: how could James have achieved unparalleled academic honors in high school, college, and Cal Tech's graduate school — indeed, how could he have been accepted immediately by the pre-eminent Johns Hopkins Medical School — yet be rejected by *all five* UC medical schools in 1992, and by four of the five, including his first (hometown) choice, UC San Diego, *again* in 1993? The Cook investigation and review of several years of racial data, test scores, grades, and other relevant statistical information focused on the medical schools at UC San Diego, UCLA, and UC Irvine.

The "Cook Report" reached an irrefutable conclusion: that the pre-med course grades and Medical College Admission Test scores of obviously race-preferenced admittees ranked in the lowest one percent relative to those of Asian and white admittees. Using poker terms to describe what his son and other highly-qualified applicants were up against, Jerry Cook explained: "you are 180 times more likely to have four aces and a king than you are to have this many under-represented applicants picked." The UC administration's only response was that race- and ethnicity-based diversity had been its goal for 25 years, and that "under the *[Regents of the University of California v.] Bakke* case, our review [of the Cook Report] found nothing clearly unlawful," a telling choice of words, to be sure.

Sixteen years earlier, Allan Bakke had argued to the U.S. Supreme Court that the university's heavily-weighted race- and ethnic-diversity selection criteria had been used to reject his applications to the UC Da-

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Priests & Scoutmasters

What the Scouts have avoided, the Church now endures.

by Carl Pearlston

THE CURRENT problem the Roman Catholic Church is having with pedophilic and pederast priests may, and should, cause some critics to rethink their views on the much-maligned Boy Scouts and their similar problem with homosexual scoutmasters.

The Church is reeling from disclosures of child sexual abuse from scores of priests across the nation. Two bishops have resigned, criminal charges have been brought against many priests, and millions have been spent defending, settling, and paying off civil lawsuits brought by the young victims and their families. While there have been a few reported instances of girls or women involved in these sexual cases, the overwhelming majority of the victims are boys, young, pre-pubescent, teen-age boys.

The Boston Archdiocese has gone so far as to question the rule for celibacy among the priesthood, positing that it skews the priest selection process toward those who would not normally get married, and thus includes an abnormally high proportion of homosexuals. On ABC's "This Week" program, the question was squarely asked if the Church needs to question the role of homosexuality among the priesthood in this scandal.

When men sexually molest boys, especially teen-age boys, common sense tells us that homosexuality is usually involved, since it is only homosexual men who are

attracted to the same sex. Heterosexual men, by definition, are not sexually attracted to boys or other men; those who consider themselves bi-sexual can, of course, pose a risk to young boys.

Some critics rather foolishly posit that the situation of the celibate all-male priesthood is analogous to normally heterosexual men in prison who engage in homosexual relations because there are no women present, and who return to heterosexual relations upon their release. In this view, the altar boys are used as sex objects by priests only because no women are available, not that the altar boys are chosen as natural sexual targets by homosexual priests who would not target females. But of course a priest is not in prison and women are available. A priest willing to molest an altar boy is certainly capable of finding and seducing a woman which, per the premise, would be his first choice anyway.

OTHERS POSIT that if priests were married, then there would be far less sexual temptation, again ignoring the specific nature of the sexual temptation — pre-pubescent teen-age boys — which appeals to homosexuals. In the view of these critics, the Church needs an infusion of women priests and altar girls, plus a non-celibate priesthood (which would thus include a lower proportion of homosexuals in the selection pool), to ameliorate the problem of sexual abuse of young boys. But it seems clear that the immediate problem simply lies with those homosexual priests who have not controlled their actions arising from their sexual attraction to the same sex, especially young pre-pubescent boys.

The Boy Scouts have a very similar problem. They have been largely spared the widespread scandal and criminal proceedings arising from sexual abuse of their

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charges, because of their policy excluding open homosexuals from leadership positions within the organization, where they would come into contact with boys.

The Scouts have been sued for child sexual abuse committed by scoutmasters, and have dismissed thousands of Scout leaders for non-compliance with their guidelines for prevention of sexual abuse. In a widely-reported case in California, wherein a young Scout sued the organization for sexual abuse at the hands of a scoutmaster, the court held that the Boy Scouts had to be aware of the risk of sexual abuse by homosexual scoutmasters in overnight and extended camping trips.[1]

IT IS clear that not all homosexuals are pedophiles, but it is also clear that the overwhelming majority of those men who sexually abuse boys are homosexuals. Homosexual activists point out that, in absolute numbers, heterosexuals commit more child molestations than homosexuals, but considering that heterosexual males outnumber homosexuals by a factor of roughly 36 to 1, as established by the authoritative 1993 Battelle Institute study, the relative incidence of pedophilia among homosexuals becomes far greater than for heterosexuals. As reported in the *Journal of Sex and Marital Therapy* 18, no 1 (1992), in an article entitled "The Proportions of Heterosexual and Homosexual Pedophiles among Sex Offenders against Children" by Freund and Watson, child sexual molestation is more than three times more common among homosexuals than heterosexuals.

Thus, the Boy Scouts use a type of sexual-orientation profiling to prevent harm to their young charges, and to lessen the risk of legal liability. They have been sued all the way to the U.S. Supreme Court for this stand, been excoriated in the press, and have suffered a huge drop in public support and fundraising. But they have maintained a standard of conduct and of example, and avoided the problem of extensive child sexual abuse. Perhaps the Catholic Church will have to take a similar stand for their priesthood. CPR

1. Dr. Jeffrey Satinover in *Homosexuality and the Politics of Truth,* notes that there is a substantial, influential, and growing segment of the homosexual community that neither hides nor condemns pedophilia, and which argues that pedophilia is an acceptable part of sexuality, especially homosexuality. The *San Francisco Sentinel,* a homosexual activist paper, has argued that pedophilia is central to the male homosexual life-style. The North American Man-Boy Love Association (NAMBLA) actively promotes homosexual pedophilia or pederasty as an acceptable alternative form of sex, contending that it is natural, normal, and healthy; they use the euphemism of "intergenerational intimacy." The Rene Guyon Society, which champions adult-child sex, has as its motto "Sex before eight, or it's too late."

Klamath Victory

The left loses a round in its war against people

by Anne Hayes

"THE FUTURE," I reported early this year ("Endangered Way of Life," *CPR,* Jan./Feb.), "remains bleak for many families in the Klamath Basin along the California-Oregon border." I can now say things have brightened for these families. The federal government has decided to restore the region's water, cut-off last spring by the federal Fish and Wildlife Service under the Endangered Species Act. The water returned following a National Academy of Sciences peer review that concluded the agency had shown "no sound scientific basis" for its drastic action.

Unfortunately, this is not the end of the battle. Environmental groups are threatening to sue again. And a war of words has erupted against permitting the Klamath families to resume their way of life. For instance, a recent *New York Times* editorial about the Klamath Basin situation purported to speak on behalf of environmental interests. The editorial is at the same time unremarkable and astounding. Unremarkable, because it seems to have encapsulated the views of the environmental community as a whole, but astounding in its un-

Anne M. Hayes is an attorney with Pacific Legal Foundation (www.pacificlegal.org), which represented some Klamath water users in attempts to get irrigation restored.

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ashamed reliance upon nice-sounding but ultimately vacuous rationales for its perspective. The environmental movement is becoming ever less subtle in its reliance upon sophistry, rather than sense, to bolster its positions, but no one seems to be calling them to account for it.

IT WOULD be tedious to detail the degree to which the editorial misstates both the issues and the arguments — that is nothing new. But the piece was very revealing about the underlying philosophy of modern environmental activism. The editorial opens by stating that the National Academy of Sciences' study on Klamath concluded that the decision by the Fish and Wildlife Service to maintain high water levels in Upper Klamath Lake (the basis for cutting off the farmers' irrigation water), was "based on insufficient scientific evidence." Actually, as stated above, the report said was the decision had "no sound scientific basis" — a somewhat more damning conclusion. But the interesting item is the author's comment that the NAS's conclusion is "bad news" for the threatened fish.

Now, to an unbiased observer, the study's conclusion would seem to be anything but "bad news." Why is it "bad" that the fish do not need as much water as previously thought? Given that the Klamath Basin dilemma is based on a purportedly inadequate supply of water, the conclusion that the fish do not need high lake levels in order to thrive should be good news — for fish and farmers alike. But there's the rub. The author's *real* gripe is revealed several paragraphs later: "The Klamath water crisis has been in the making for more than 100 years, ever since the federal government decided to subsidize a farming economy in an arid area where none belonged." Aha. It is not the fish that keep the environmentalists up at night, it is the farmers.

Now apart from the fact that

Why is it 'bad' that the fish do not need as much water as previously thought?

Klamath farmers, for the most part, are not subsidized, from whence does this absurd argument gain legitimacy? As just one example, California's entire Central Valley — which supplies a significant amount of the nation's food — would be barren but for man-made irrigation canals and the damming and diversion of a number of waterways. And, of course, Los Angeles could not exist but for the complete upheaval of whole segments of the southwest's pre-settlement ecosystem. Yet, I see very few proposals by the environmentalist crowd to wipe Los Angeles off the map — to remove a community of several million people "where none belonged."

If we are to take this nonsense seriously, I suppose we should, at the very least, have heeded the advice of Sierra Club pioneer David Brower, who advocated breaching the dam at Hetch Hetchy, which supplies much of the water and electricity to San Francisco. Whatever else you might think of this idea, here's his perspective: "San Francisco has a debt to the nation. The city's total revenue from power from its Hetch Hetchy project's origin until now has far exceeded the cost of the facilities to produce it, and that excess has in effect been a free ride for San Francisco at a substantial cost to the people who have been denied the intangible benefits of Hetch Hetchy Valley for all those years .... We are talking about an integral part of a national park that belongs not to San Francisco, not to California, not to the United States, but to the world as part of the World Heritage .... San Francisco owes us this one." Somehow, I do not think many San Franciscans would see things quite the same way. But even more: why stop there? The rolling wooded hills upon which San Francisco sits must have been breathtakingly spectacular with their ocean and bay vistas before being covered with highways, skyscrapers, bridges, and people. Why should we suffer the loss of this "intangible benefit" just so a few hundred thousand people can enjoy their sourdough bread and a Giants game?

BUT THE environmentalists could not seem to care less about that. It is not the denizens of San Francisco and Los Angeles who are being asked to roll back the clock for the environmental good of the world — only the beleaguered farmers of the Klamath Basin.

Yet, by any measure, the farm-

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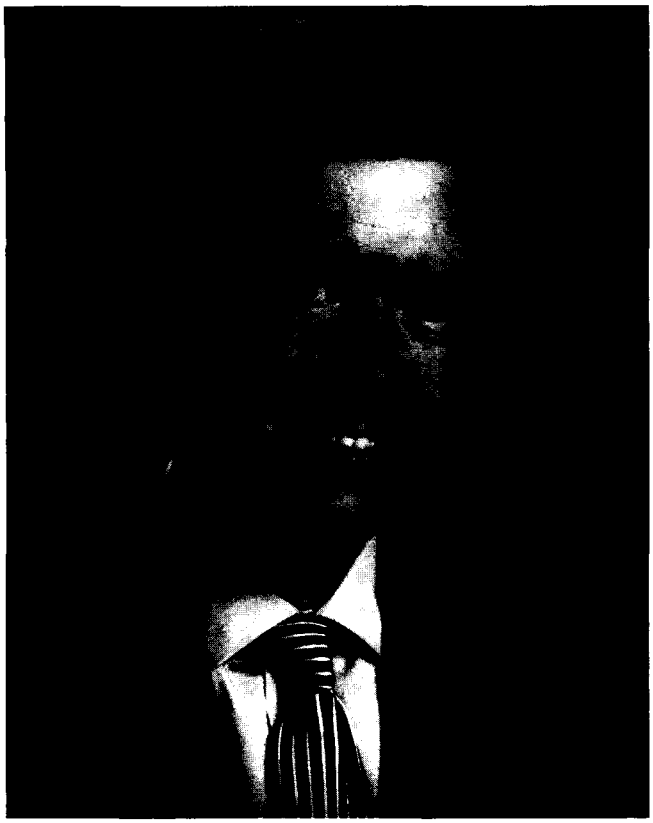

Gray Davis

The First Term

A CPR chronology, compiled from news reports and original sources.

The governor's first term has been eventful, particularly in four areas: state finance, where the booming late-'90s flooded state coffers with cash, education — Gray Davis's specifically staked-out home turf, electric power, where an accumulation of events over the last decade erupted explosively with the opening of the new millennium, and political fund raising, where Davis has left previous records far behind.

A survey of nearly 2000 published materials, most of them articles from major California newspapers, undertaken by CPR's staff resulted in this compendium of notable events, told as much as possible in the words of the articles themselves, to convey the flavor of the coverage and broad reaction created by Governor Gray Davis's first three-plus years.

Budget/Taxes

– 1999

Governor Gray Davis's first-year January budget plan proposed spending $76.2 billion (*Chron* 010999), a $5.2 billion increase over the $71 billion allocated in 1998 by Governor Pete Wilson's final budget. (*Chron* 082298) Even so, no one expected a deficit. State revenues had been rising steadily for some time already; that final Wilson budget represented a $17 billion spending increase over the 1991 state budget, his first. And within a few weeks, reports indicated the revenue surge would continue, rising perhaps even more sharply than in the past. An April 23 *Chronicle* story said California would collect "at least $1 billion" more revenue that year than Davis had predicted in January. (*Chron* 042399) By May 7, the projection rose to "at least $4 billion in unexpected money." (*Chron* 050799)

June 16, the Legislature passed and sent to Davis a $79.9 billion state budget, proposing an $8.9 billion spending increase over 1998. (*Chron* 061799 and 082298) Davis reduced it to $8.3 billion, blue-penciling out $581 million legislators wanted to spend. On June 29, in a ceremony the *Chronicle* reported "took on the air of a rock concert," Davis signed California's first on-time budget in six years, totaling $79.3 billion. According to the *Chronicle*, the final plan brought "$339 million in tax cuts, including an additional 10 percent reduction in vehicle licensing fees, which were cut 25 percent this year." The budget also cut college

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Only small snatches can be quoted here; original sources and dates are noted to facilitate reading of the full texts. All but one of the sources used were found by the editors searching the Internet. They are identified at the end of sections quoting or referring to them, using a shorthand version of the name, followed by publication date in the form: mmddyy. "Chron" refers to the San Francisco Chronicle, "Times" to the Los Angeles Times, "SacBee" and "FresBee" to the Bee's Sacramento and Fresno editions. An article in the February 2, 2001, Los Angeles Times would be noted: (Times 020201)

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fees. (*Chron* 063099) Thus, Davis's first budget spent $3.7 billion of the $4 billion surplus projected in May, adding that spending hike to the $5.2 billion increase over Wilson's 1998-99 budget for a total of $8.9 billion in new spending, and returned about $.3 billion to taxpayers. The ratio of new spending to tax cuts was 96.75 percent to 3.25 percent.

In October, *Sacramento Bee* columnist Dan Walters wrote that Davis's political mastermind, Garry South, "frequently opines that Davis is saving the state's Democratic Party from making itself hopelessly out of touch with mainstream voters. And he's got a point." Legislative Democrats, Walters wrote, would turn "state government sharply left," piling on regulations and "spending more billions to expand public services ...." were it not for Davis who had "reined in his fellow Democrats ...." (*FresBee* 101299)

California's economy continued to generate state revenue levels rising faster than new state spending. By November, the *Chronicle* reported that despite nearly $9 billion in new spending already planned, "state budget writers" were predicting a new "$2.6 billion surplus by the end of June 2000." Senate GOP leader Ross Johnson called for returning "a significant part of the huge surplus to the people who created it in the first place." Davis wanted to spend the new money, but, according to the *Chronicle*, "insisted that the bulk of the surplus be used on one-time — not ongoing — spending, such as public works projects." (*Chron* 111899) Davis reiterated that point in late December, the *Chronicle* quoting him saying he would support "activities that don't necessitate funding year after year after year .... Things like purchasing computers, getting equipment to the police, building buildings, acquiring land for parks — one-time purchases that provide a public use but don't have ongoing costs." (*Chron* 122399)

– 2000

In January, according to the *Chronicle*, the new surplus "armed [Davis] with $5.5 billion in new cash," permitting him to propose a $5.7 billion increase over the $79.3 billion 1999-2000 budget. Davis's $85 billion 2000-2001 January budget proposal "gives generously to schools, beefs up environmental protection and hands out tax cuts to employers and car owners." (*Chron* 0111) Four days later, on January 15, the paper reported an additional $3 billion in expected surplus revenues that would allow Davis "to be even more generous in his already cash-rich $85 billion budget." According to the report, "Hefty tax payments and stockholders cashing out their profits helped generate the revenue spike that will accumulate between now and June 30, 2001 .... [state legislative analyst Elizabeth] Hill said about half the unexpected $3 billion was a one-time bonanza but the state will continue to see $1.5 billion in added revenue in the years ahead." (*Chron* 011500) A month later, Hill predicted "another $4.2 billion will flood state coffers this year," according to the *Chronicle*, ".... on top of the $5.5 billion surplus Davis anticipated" earlier. (*Chron* 021800)

When early May reports projected an $11 to $13 billion surplus would be available ("to spend in the next budget year," as the *Chronicle* reported it) (*Chron* 050300), Davis quickly cut California state park fees in half, saving park users $30 million. (*Chron* 050200) Assembly Speaker Bob Hertzberg again stressed the transitory character of the cash windfall, quoted in the May 11 *Los Angeles Times* saying "A great deal of the money is coming from capital gains and we may never see it again." (*Times* 051100) The *Chronicle* reported that Davis announced plans May 11 "to share California's growing tax windfall and send taxpayers a one-time tax rebate check of $150 for single filers and $300 for joint filers." (*Chron* 051200) A few days later, Davis proposed a revised spending plan that added $13.4 billion to his January proposal, for a $98.4 billion total. The *Times* reported that "Davis's Department of Finance estimates that more than half of the $12.3 billion came to Sacramento by way of a one-time windfall, largely due to taxes on massive stock market gains in 1999. 'It's very important to recognize that 1999 was a special year,' Davis said. 'It's not likely to reoccur soon.' ... the governor is proposing to spend almost $7 billion of the surplus on so-called one-time programs, and $5.3 billion on programs that will be ongoing." Davis criticized calls both for tax cuts and more "baseline" spending as two forms of "permanent expenditures" he would resist. (*Times* 051600) Dan Walters commented: "Davis' self-proclaimed 'fiscally prudent' approach notwithstanding, the new budget still boosts general-fund spending by more than 10 percent over the current fiscal year ...." (*FresBee* 051600)

A BATTLE ERUPTED in June, the *Times* reported, after "Republicans in the state Assembly" learned "that Gov. Gray Davis' $2.7-billion tax cut package would erase cuts in the 'car tax' authorized two years ago. 'It's fundamentally unfair to tell Californians

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they're getting a tax cut, when they're paying for it by giving up another tax cut,' said Assemblyman Jim Battin (R-La Quinta). 'It's like a shell game.'" Assembly Republicans, refusing to approve the spending plan which had already passed the Senate, eventually prevailed, preserving car tax reduction.

At the end of June, the *Times* reported, Davis signed a $99.4 billion 2000-2001 budget, "an increase of almost 18 percent over the spending plan for the fiscal year that just ended," it included "$1.4 billion in new tax cuts and almost $31 billion for public schools." (*Times* 070100) This budget surpassed Wilson's of two years earlier by $28.4 billion: a 40 percent increase. The *Times* quoted Davis speaking in a broadcast on his Web site: "The job of governor is to balance the need for new spending with the need to be fiscally responsible and have a prudent reserve, and I've tried hard to do that." (*Times* 070100)

In September, Davis vetoed Internet sales tax legislation. The *Chronicle* reported that "the governor's action ... leaves the door open for future decisions on how best the state can reap financial rewards from the rapidly expanding e-commerce industry." (*Chron* 092600) By late October, state reserves had grown enough to trigger, under a 1991 law, an automatic quarter-cent sales tax cut for 2001. The *Chronicle* reported that Davis was "expected to announce" the cut, worth $1 billion to consumers, shortly "before the November election." (*Chron* 102500)

– 2001

As the new year opened, the *Times* reported, California's chief economist, Ted Gibson of the governor's Department of Finance, said "'We don't buy the recession story at this point,' ... adding that he expects a 'soft landing' for the U.S. economy." The story again stressed that state surpluses had been fueled by income — "$84 billion in all last year" — from stock options. (*Times* 010601) A few days later, the *Chronicle* reported that Davis's January 2001-2002 spending proposal "focuses on one-time expenditures," describing the governor's $102 billion spending proposal as "more than the size of the next two biggest states — Texas and New York — combined." Davis called it "responsive because it makes critical investments in the challenges facing our state, especially education and energy," and "responsible because it emphasizes one-time investments ...." The "main exception," the story reported, "is public education, which will receive $2.9 billion more than it did this year and $1.9 billion more than the minimum required by law." (*Chron* 011101) In his State of the State address two days before, Davis had mentioned the transitoriness of the surpluses, saying, "We can no longer expect short-term stock-market windfalls or $10 billion budget surpluses." (*Chron* 010901) The *Chronicle* commented that Davis budgeting was guided "by a simple philosophy: Spend half of any state surplus on long-term projects and the other half on one-time-only programs .... Davis doesn't want to be the guy who spent $10 billion on expanding class-size reduction to every grade just as the state's economy went into the tank." (*Chron* 011101)

In February, the state budget analyst, according to the *Chronicle*, "now expects state revenues between July 1 and June 30, 2002, to be $2.5 billion less than had been predicted in the fall" — an estimate based on the assumption "that the cost to the general fund of the energy crisis would not exceed ... $1.1 billion." (*Chron* 022201) Also in February, Davis's Finance Department, the *Chronicle* reported, said "revenues supporting the budget are increasingly dependent upon the stock market." (*Chron* 022301) In March, Senate Budget Committee Chairman Steve Peace, predicting probable spending cuts, said "his bearish attitude" stemmed not from the state's power purchases, the *Times* reported, but from "the declining stock market. A Davis spokeswoman said the governor is confident that there will be sufficient money for his spending proposals." (*Times* 031601)

In April, Davis told *Times* editors and reporters, the newspaper reported, that "taxpayers will wind up spending 'not one penny' on the energy crisis" because "a Davis-sponsored plan approved by the Legislature calls for the state to float bonds to repay the state and help finance the purchases." (*Times* 041501)

A few days later, Standard & Poor's downgraded California's credit rating by two notches (*Tribune Business News*, 042501) In May, *Tribune Business News*, reported that "California will soon ... burn through the last of its $6.6 billion budget surplus in its costly four-month scramble to keep the power flowing." (*Tribune Business News*, 050901) Davis's May 15 "revise" budget ($102.9 billion, down from $104.7 billion outlined in January), "blaming the tech-stock slide," according to the *Chronicle*, identified "a $3.5 billion hole" in the budget "that [Davis] proposes filling with relatively painless cuts that spare public schools .... 'We knew this day would come. Happily, we had the discipline to prepare for it,' Davis said." (*Chron* 051501) The same day, Moody's Investor Service lowered California's credit grade. (*Tribune Business News*, 051601)

July 27, Davis signed a $103.3 billion 2001-2002 budget after cutting $550 million in spending passed by legislators. "Legislative budget writers," the *Chronicle*

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reported, predicted "a nearly $4 billion deficit" in the budget, representing "the difference between how much money the state is expected to collect between now and the middle of 2004 and how much it will spend on continuing programs such as welfare and public schools .... To solve the continuing deficit problem, lawmakers must whack at continuing state operations .... If this year's budget fight is any indicator, lawmakers will be reluctant to do that. .... For the past three years, lawmakers and the Davis administration have given public schools more than the minimum amount required by law," raising ongoing spending because "the amount given the previous year is the base on which the next year's spending grows." (*Chron* 072801)

In September, the bond sale Davis, in April, said would reimburse state energy spending fell into doubt. The *Chronicle* reported that "state Treasurer Phil Angelides warned yesterday .... [that a] $12.5 billion bond sale — originally scheduled for May — will not take place until next year. And if the bonds are not sold by the end of June, California's budget could take a $9.3 billion hit, he said." (*Chron* 092801) In October, a *Chronicle* headline reported: "Davis set to whack budget by $2 billion; $12.4 billion deficit predicted over 2 years" (*Chron* 102401) and in December, another headline said: "Democrats want car-tag fee restored; Recession taking toll on state collections." (*Chron* 121801) Two days later, the *Chronicle* reported that Democrat legislators, "saying that rising security costs threaten to bust budgets across California," suggested a quarter-cent sales tax hike. (*Chron* 122001) Three days after Christmas, the *Chronicle* reported that "Twice as many people support shrinking the state budget to erase an expected $12 billion deficit rather than increasing taxes, according to a statewide Field Poll." (*Chron* 122801)

– 2002

In January, when GOP gubernatorial candidate Bill Jones said Davis had increased spending "so fast and so high, it's unsustainable," the *Sacramento Bee* reported Davis campaign spokesman Roger Salazar "said Jones has 'resorted to making things up'" and that "half of the new spending under Davis was in the form of one-time costs that don't have to be sustained in future years." (*SacBee* 010502) That would make more than $16 billion in non-recurring, "one-time costs that don't have to be sustained in future years," considering the $32.3 billion increase represented by Davis's $103.3 billion 2001-2002 budget over Wilson's $71 billion budget for 1998-1999. Nonetheless, on January 10, Davis proposed to spend not $87.3 billion, but $100 billion in 2002-2003. Dan Walters commented: "... it's clear that in confronting an estimated $12.5 billion budget gap as he seeks re-election to a second term, the Democratic governor wants neither to slash spending dramatically nor to raise taxes, either of which would engender opposition from significant blocs of voters." (*SacBee* 011102)

In February, the *Sacramento Bee* reported the legislative analyst warned of "a shortfall of about $15 billion .... The [$5 billion] difference between Hill and the governor comes mostly from estimates of tax revenue from capital gains and stock options, and the amount the state will be required to pay for schools under Proposition 98." (*SacBee* 022102) A few days later, according to the Bee, Senate Republican leader Jim Brulte said "We don't have a revenue problem. We have a restraint problem." (*SacBee* 022702)

In April, the Bee reported Davis's administration "reversed itself Tuesday, saying a [$70 million] state program that provides medical screening for about 1 million poor children won't be shut down to help solve California's budget crisis." (*SacBee* 040302) April 11, a news release from state Senator Rico Oller quoted the senator saying: "Recent estimates by the Legislative Analyst show that our budget deficit is approaching $20 billion." (Oller News Release 041102)

Education

– 1998

In February, candidate Davis proposed several education reforms, the *Chronicle* reported: Hiring school district fiscal officers to "publish graduation rates, attendance rates and school performance rates 'to make sure parents and taxpayers are getting their money's worth.'" Davis said districts performing poorly three years in a row "should be subject to 'state takeover'" and that teachers should undergo peer review and be "subject to a performance standard test." (*Chron* 021198) In September, the *Times* reported that Davis, asked about schools' poor reading test scores, said "the system dumbed down the curriculum, and we're paying a very high price for it." Davis supported more publicly funded charter schools exempt, the story said, "from most state education laws." Davis supported new reading, writing, and math standards and, while backing increased funding, he said money "is not the whole answer. A change in attitude, namely higher expectations, a more rigorous and challenging curriculum, is equally important." (*Times* 092098) An October Field Poll, the *Chronicle* reported, found Californians preferred Davis to Lungren on education issues 43 to 33 percent.

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(*Chron* 100898) The *Chronicle* said Davis told a post-election rally: "The Chicago school system was in worse shape than ours, and they worked miracles in three years .... I'm going to devote all the determination, tenacity and staying power I can summon up to achieve that." Davis said "'I respect teachers .... but school is not about them. It's about kids.'" (*Chron* 110598)

~ 1999

In January, the *Chronicle* reported, Davis proposed: high school graduation exit exams beginning 2003, $10,000 merit awards for teachers certified by the National Board of Professional Teacher Standards, teacher peer review, improvement goals for 200 "bottom half" schools with "cash bonuses" for those that improve and "'serious consequences'" for those that don't "after two years," $150 million for schools significantly improving student performance, and $75 million for "intensive" Kindergarten to 4th grade reading instruction. "Union leaders," the story reported, liked Davis's plan to help improve teacher quality "because teachers who need help would get it," even though it could become "easier to remove bad teachers. Firing a teacher now can take years and cost hundreds of thousands of dollars." But the high school exit exam "met with less approval from the unions." (*Chron* 010699) Davis Education Secretary Gary Hart, the *Chronicle* reported, said the governor's high school graduation exam "would be the toughest in the nation.'" (*Chron* 010999)

A February *Chronicle* story said the Legislative Analyst urged postponing Davis's "$150 million program to reward high-performing schools," using $100 million instead to "repair dilapidated schools." (*Chron* 021799) The next day, the *Chronicle* said Davis had trimmed this plan to $125 million, "but several senators argue that it is still too much .... John Vasconcellos said 'You get a ZIP code system. The ones like Beverly Hills are at the top, and East L.A. is at the bottom.'" (*Chron* 021899)

In March, the Legislature passed Davis's high school exit exam, after moving it to 2004 from 2003 and adding a 'release valve' that, the *Chronicle* said, "would free some students from having to pass the test before graduating." Gary Hart's office said "the different standards would be equally rigorous. 'We don't want this to be watered down.'"

The Senate approved ranking of schools based on "results of statewide exams, school attendance, graduation rates, and other criteria," with $96 million for schools that improve and $96 million for 430 poorly performing schools. "... Republicans," the story reported, "expressed concern that the performance index did not weigh academic test results more heavily. 'The improved attendance of teachers could make it go up 5 percent,' said Senator Ross Johnson." (*Chron* 022699 and 030299)

In June, the *Chronicle* reported the Assembly passed a Davis-backed bill to "put the brakes on some of California's fast-growing charter schools by requiring pupils to live no farther than one county away from their school. At stake are millions of dollars for charter school operators ...." Assemblyman Steve Baldwin said the bill "'could possibly close down 35 charter schools, involving 22,000 students.'" (*Chron* 062999) Davis signed it in late July. (*Chron* 072499) In August, Dan Walters wrote that "For all the puffery and self-congratulation issued by the Capitol's politicians this year, they really haven't done very much. There was a little flurry early in the year when the Democrat-controlled Legislature, wanting to make nice with a new Democratic governor, gave Gray Davis four education-reform bills. But the price of rapid action was diluting the measures into little more than symbolic gestures." (*FresBee* 081699)

~ 2000

Davis's State of the State address, the *Chronicle* reported, proposed "$1,000 a year toward college tuition for students in grades 9 through 11 whose scores on California's annual achievement rank in the top 10 percent statewide, or in the top 5 percent of their school .... Davis is also proposing awards of $2,500 for students who earn the top score of 5 on both the calculus and science advanced-placement exams ...." The *Chronicle* quoted GOP Senator Jim Brulte saying the speech "'could have been given by Pete Wilson. In fact, I think it was.'" However, the *Chronicle* reported, Elaine Johnson, assistant to California Federation of Teachers President Mary Bergan, "condemned Davis' [scholarship] plan ...." The story quoted UC Berkeley Education School Dean Eugene Garcia: "Anytime a score on a test means you get something or you don't, that is fatally flawed. It puts a different color on how we want to use tests." (*Chron* 010600)

In March, CTA President Wayne Johnson said the union would go with a ballot measure Davis opposed to raise "per pupil spending to the national average," the

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Chronicle reported. Johnson said Davis "'wants above-average test scores with below-average funding.'" The story said Davis proposed raising per pupil spending from $6,045 to $6,313 and that the "national average" was $7,583. (*Chron* 032300) The *Chronicle* later reported that legislators "blasted" Davis's merit scholarships. "'I don't understand why we would give money to students who don't need it,' said state Sen. John Vasconcellos .... 'If they are already getting all A's, paying them is stupid.'" (*Chron* 033000) The Senate Education Committee approved Davis's merit scholarships in April, according to the *Chronicle*, after "linking it to a bill that would give more money to students in need ...." (*Chron* 040600) A May 10 *Times* story said "one day after 8,000 teachers demonstrated for more money at the Capitol," Davis and Democrat leaders "agreed to shift more than $1.8 billion to local schools, primarily for teacher pay hikes," money that "will become a permanent part of the school spending base." CTA then dropped its "national average" ballot measure. (*Times* 051000)

A LATE MAY *Times* story said the concept of "national average" spending "is a numbers game .... Most statistics are 2 to 3 years old, making it difficult, if not impossible, to project accurately how much other states are spending and how California compares. 'It's like chasing ghosts,' said Assemblywoman Sarah Reyes." CTA President Wayne Johnson, "asked how there could be so many different spending rates floating around the capital, ... joked: 'How does the old saying go? ... Figures lie and liars figure?' .... 'Nobody can actually figure [the national average] out with a good degree of certainty, and even if they did, what does it really tell you?' said Robert Turnage, K-12 coordinator of the independent legislative analyst's office." (*Times* 052600)

In December, the *Times* reported that Davis, "concerned that California's new high school exit exam would not withstand legal challenges if large numbers of students fail,... decided to make it shorter and easier." Changes included "the elimination of many of the highest-level algebra questions." (*Times* 120800)

– 2001

Davis opened the year proposing a $335 million teacher training plan, the *Times* reported, in "math, English and related subjects" (*Times* 010401) and an additional six weeks of classes each year for state middle schools, costing "about $1.5 billion," according to the *Chronicle*. (*Chron* 010701) The *Chronicle* reported January 12 that "Democratic education and budget leaders" liked the teacher training but, "at the same time proposed slowing down the state's rush to reform education." In addition, "the lawmakers took a distinctly unenthusiastic view of Davis' plan to dramatically lengthen the school year in middle schools." (*Chron* 011201) By April, according to the *Times*, Davis "agreed to scale back" middle school year-extension "from six weeks to four." (*Times* 042501) June 15 the *Chronicle* reported Davis had abandoned the plan altogether so as to "build a bigger cash reserve for the state's next fiscal year." (*Chron* 061501) Within a few days, according to the *Chronicle*, Davis was willing to cut "more than $340 million in [education] programs he proposed" including "block grants to academically successful schools and ... a proposed program to boost algebra instruction." (*Chron* 062201)

"A select group of California teachers who work in some of the state's most troubled schools were rewarded yesterday with onetime bonuses of $5,000, $10,000 and $25,000," the *Chronicle* reported, because their schools had "posted the best test-score jumps two years in a row ...." (*Chron* 100701) But in November, the *New York Times* reported that, although "the state will spend ... $53.7 billion" on schools, Davis's proposal "to trim $843 million from education spending" had led "school officials [to fear] ... education reform ... might fall victim to the cuts." (*New York Times* 111801) A December Public Policy Institute of California survey, the *Contra Costa Times* reported, found that "three years after the self-described education governor took office, Californians think schooling is just as big a problem as when Gray Davis was inaugurated." (*Contra Costa Times* 121301)

– 2002

In his State of the State address, the *Times* reported, "Davis told lawmakers and other officials he will increase education spending ...." The governor "used much of his speech to enumerate his successes: expanded spending on schools .... (*Times* 010902) The *Sacramento Bee* reported education spending in Davis's 2002-2003 budget would increase "from $7,002 per student in the budget approved in July to $7,058." January 17's *Chronicle* reported that new "school-by-school rankings" showed "California's grand push for higher test scores ... is paying off in elementary and middle grades," though not so in high schools where "just 5 percent have reached the highest ranks — the same as in previous years." (*Chron* 011702) Even so, the Public Policy Institute of California (*FresBee* 011702) and the *Los Angeles Times* poll (*Times* 012902) both said that on education, as the *Times* put it, "just about half of the

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electorate said that schools have failed to improve over the three years Davis has been in office; nearly 1 in 5 believe public education has actually gotten worse."

In February, the *Sacramento Bee* reported Davis's "program that rewards teachers ... for raising student test scores has been scrapped this year, the victim of mid-year budget cuts." The story quoted CTA's Wayne Johnson: "We've always felt the money could be better spent than on performance awards." (*SacBee* 020802) A February 16 *Mercury-News* story said the state education board was considering new rules permitting "teachers or principals [to] initiate waivers for students to be taught in bilingual programs, while [Prop. 227 author Ron] Unz said the law states that only parents can request waivers." (*MercNews* 021602)

MARCH 25, the *Chronicle* reported that "Susan Pinkus, who directs the *Los Angeles Times* Poll, says Californians 'don't like Davis because they don't think he's improved education, energy and the economy.'" (*Chron* 032502) An April 11 *Sacramento Bee* report said Davis, "arguing that textbooks should not be 'held hostage to issues involving wages,'" said he "would not sign" legislation, "as written," to place textbook and curriculum selection issues in collective bargaining. (*SacBee* 041102)

Energy

Two developments from California's electric deregulation experiment helped create the power crisis: 1) retail utility monopolies that kept consumers from switching to alternative providers when shortages and price spikes hit and, 2) the near-total reliance, by 1999, of the state's three major private utilities on spot-market wholesale power buys, a reliance that came about after they divested their own power-generating sources and were kept from signing long-term contracts for wholesale electricity. These developments, as reported in the press:

– 1997

The state Public Utilities Commission voted May 6 to open retail electricity markets to competition on January 1, leading to predictions "that private power companies from Seattle to Charlotte, N.C., will rush to California for a marketing donnybrook," according to the *Chronicle*. (*Chron* 050897) But the would-be competitors found the residential retail market effectively closed by a system of subsidies the state established to repay the big three private utilities for costly power generation investments during the 1970s. "The investments," the *Fresno Bee* reported, "came at a time when the government wanted expensive alternative energy plants such as cogeneration and nuclear power. The utilities say it's not fair to change the rules 20 years later and leave them with 'stranded assets.'" The subsidies, with which the new retailers could not compete, drove them out of the market, as the *Chronicle* reported: "most of [the new private power competitors] are targeting businesses, where they see a chance to ring up profits .... few want to deal with residential accounts because the profit margins are too thin." (*Chron* 121597) Recognizing that its subsidies removed real competition, the state imposed "temporary" retail electric rate caps that would be removed when state subsidies expired: as soon as each utility's "stranded" costs had been recovered.

– 1998

Divestment of electric generation capacity was "part of energy deregulation," an April *Chronicle* story reported, and all three investor-owned utilities were required to do it. (*Chron* 042998) Also, according to a February 2001 *Chronicle* story, "Until Aug. 3 [2001], California's investor-owned utilities were barred as part of the state's deregulation effort from entering into contracts directly with power generators. The theory was that competition would increase if all sales and purchases went through primarily short-term 'spot' markets run by the California Power Exchange, a now-defunct state-created organization through which generators sold electricity, and the Independent System Operator, also a state-created agency." (*Chron* 020401) The stage was set.

– 2000

"The issue was not critical until late May," the *Chronicle* reported, "when [wholesale] prices started rising for the first time above what the utilities are allowed to charge customers." Also in May, San Diego Gas & Electric became the first of the three utilities whose "stranded" costs were recovered in full. So, SDG&E's subsidy and the "temporary" retail rate cap expired together — as had originally been planned — but in a monopoly retail market and with no way for SDG&E to escape soaring spot-market power rates except to pass them on to customers. "Media and political attention focused on San Diego," the *Chronicle* reported, "where residents saw their electricity bills almost triple." (*Chron* 020401) In early June, according to the *Chronicle*, "a Southern California Edison repre-

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sentative met with Davis and several of his top aides and warned that San Diego's experience had serious implications for Edison and PG&E, whose customers were protected by retail rate freezes until 2002 at the latest." Following a Bay Area power outage, the *Chronicle* reported that "similar shortages may occur until new power plants are completed in about two years." Davis asked state regulators to investigate. (*Chron* 061700)

July 21, according to the *Chronicle*, "Edison and PG&E filed emergency requests with the PUC seeking authority to sign longer-term contracts directly with generators to protect themselves from surging prices." On August 2, the report that Davis requested from the PUC said "'enough evidence of questionable behavior exists' to warrant an investigation by Attorney General Bill Lockyer." (*Chron* 080200) The Feb. 4, 2001 *Chronicle* said that PUC report also "clearly said the state's spot markets were exacerbating price spiking and that contracts between the utilities and power producers were needed." Davis ordered expedited approval of new power plants and "called on Attorney General Bill Lockyer to investigate 'possible manipulation in the wholesale electricity marketplace.'" (*Chron* 080300)

AUGUST 3 the PUC voted to permit direct utility/wholesaler contracts, "subject to review of reasonableness." A February 4, 2001, *Chronicle* article said "the utilities now say that [August 3 PUC] vote was meaningless because the commission's staff refused to preapprove contracts as reasonable after a 30-day review — as the commission's order directed .... today [February 4, 2001] the utilities claim that state regulators still have not told them how to sign longer-term bilateral contracts without risking hefty sanctions." (*Chron* 020401)

On August 22, Assembly Republicans urged calling a special session. Davis spokesman Steve Maviglio, according to the *Times*, said the governor "is convinced that steps taken in recent days adequately address our short-term goal of providing rate relief from the gouging by energy producers." (*Times* 090100) Before adjourning, lawmakers had passed two bills the governor quickly signed: an adjustable cap on SDG&E rates until 2003 and a measure to speed power plant construction.

On September 7, Fitch Investors securities rating service warned that utility debt "may balloon to extraordinarily high levels" if power rates stayed at summertime levels. A September 12 *Times* story said "The *San Francisco Chronicle* reported on its front page last week that PG&E ... could have $15 billion in extra costs — reflecting the gap between what it pays for wholesale electricity and what it can bill customers under the rate freeze — to start passing on to consumers come April 2002, unless something is done." (*Times* 091200) September 14, Moody's Investors Service re-rated PG&E from stable to negative.

"On Nov. 1, the Federal Energy Regulatory Commission again recommended that California reduce its reliance on spot markets," the Feb. 4, 2001, *Chronicle* reported. "In December, after numerous complaints from the utilities, the state PUC issued draft guidelines [for making "reasonable" long-term contracts], but those are not final. By that time, generators were refusing to sell to California's utilities for fear they would never get paid." On November 14, the *Times* reported, Davis urged federal energy regulators to "order refunds and immediate price controls." (*Times* 111500)

The Feb. 4, 2001, *Chronicle* summarized 2000's final month: "Dec. 7: Independent System Operator issues Stage 3 alert because of a dwindling power supply and warns of rolling blackouts.

— Dec. 8: FERC lifts the $250 per megawatt-hour hard cap on wholesale prices at the request of the ISO. An outraged Davis calls for a congressional investigation ....

— Dec. 13: PUC President Loretta Lynch announces the commission is reversing its stance and would consider raising retail electricity rates.

— Dec. 16: Davis calls a special session and reserves $1 billion ... budget to deal with the power crisis."

December 20, the *Times* reported that "Edison warns it is on brink of bankruptcy" and that "at each opportunity, Davis points out that he inherited the situation and that he has no control over the key players" (*Times* 122000)

December 29, the *Chronicle* said "Davis has tried to distance himself from the crisis in the electricity markets, holding meetings and interviews all over the country, but leaving the hard decisions to others .... 'It doesn't matter what I think. The PUC is the legal body that will make a determination as to what, if any, rate increase is appropriate,' Davis said on PBS' 'Nightly Business Report.'" (*Chron* 122900)

A *Times* report the last day of the year said "Utility officials are most upset that the PUC blocked their efforts earlier this year to enter into long-term contracts to buy electricity, leaving them scrambling to buy much of the energy they resell on spot markets. The PUC

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since has taken steps to allow the utilities long-term contracts. But the wholesale cost of electricity has quintupled ..." (*Times* 123100)

– 2001

A special legislative session convened January 3, the *Chronicle* reported. California's first rolling blackouts were ordered January 17, according to the *Chronicle*. "Jan. 22: Davis announces an auction for long-term energy contracts, advocating the state now do what the utilities say they had been trying to do for years. Feb. 1: Legislature authorizes the state to enter long-term contracts to buy power and opens the door for future rate hikes." (*Chron* 020401)

The *Chronicle*'s February 4 energy recap story reported that, in discussing "the PUC's inaction on bilateral contracts, [Davis spokesman Steve] Maviglio suggested the governor's hands were tied because the five-member PUC was dominated by Republican appointees. Davis appointed a third commissioner only in January, giving him a majority, Maviglio said. 'We knew about the issue (of longer-term contracts). The governor had two votes out of five on the commission. If Republicans wanted it to happen, it could have happened,' Maviglio said. The commission, however, unanimously approved allowing bilateral contracts, and the sponsor of the motion was Henry Duque, an appointee of Republican Gov. Pete Wilson. When it comes to implementing commission directives, the PUC's energy division reports directly to Lynch, a Davis appointee." (*Chron* 020401)

James Hoecker, a Clinton-appointed FERC chairman who left the post in January 20001, told the *Chronicle* he advised Davis's people and state PUC officials "as early as July that a key Davis proposal — to lower wholesale price caps — wasn't likely to solve the state's power problems. 'The governor resorted to a log-rolling strategy to get us to do things that we understood at the outset were not going to be real solutions,' Hoecker said."

According to the *Chronicle*, Hoecker "said Davis repeatedly demanded a federal cap of $100 per megawatt hour, although generators could not be expected to sell for that price because it would not cover their costs. Hoecker said the state's $750 price cap was lowered to $500 on July 1 and then lowered to $250 on Aug. 7 but it did not help California's plight and actually drove suppliers out of the market. Federal officials spent 'a lot of time' trying to persuade California officials to encourage longer-term contracting, he said.

"'With the considerable supply and demand imbalance, having everyone operating in the spot market was just a recipe for astronomically high prices,' Hoecker said." (*Chron* 020401)

• February 8: Davis issued six executive orders to "let California rush construction of new power plants." (*Chron* 020801) PUC "reiterates earlier impractical reasonableness standards," Independent Energy Producers charge, "setting a benchmark two to three cents below market rates for electricity," (*www.turnonthetruth.com)*

• March 5: "Davis announces the Department of Water Resources is entering into contracts at 7.9¢ per KWh for five years, two or three cents above the 'reasonableness' benchmark set by the CPUC for utilities." (Indep. Energy Producers: *www.turnonthetruth.com)*

• March 28: "PUC Approves Largest Electricity Rate Increase in State's History." the *Times* reported. (*Times* 032801)

• April 6: PG&E declares Chapter 11 bankruptcy.

• May 13: Davis said the state "faces economic disaster this summer unless the president steps in and imposes a cap on energy prices." (*Chron* 051401)

• June 13: The *Times* reported "California officials have agreed to purchase power for years to come at prices higher than those now being paid in the daily spot market." (*Times* 061301)

• June 19: FERC "ordered that restraints on electricity prices be applied at all hours and extended to 10 other states across the West." Davis "called the commission's action 'a step in the right direction'" but said that the federal government needed to do more to ensure that spot prices were reasonable and past overcharges addressed. " (*New York Times* 061901)

• July 13: "At least seven consultants hired by Gov. Gray Davis to help California buy and deliver power own stock in power companies doing business with the state," the *Chronicle* reported. (*Chron* 071301)

• July 16: "The *Chronicle* study of spot market purchases shows that as a whole, public agencies in California and elsewhere charged an average of about $344 per megawatt hour during the first three months of the year, while private companies charged less than $250." (*Chron* 071601)

– 2002

• January 24: The *Times* reported that "the state will petition U.S. to overturn long-term pacts praised by the governor last year." (*Times* 022402)

Campaign Cash

From news reports:

– 1999

"Documents show that the governor's fund raising

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has accelerated in recent months, reaching $2.9 million in June alone. Former Gov. Pete Wilson set the previous fund-raising record for his first six months in 1991 with $1.2 million. He used the money to help pay off a huge campaign debt." (*Chron* 080599)

– 2000

"Shattering his GOP predecessor's record, Gov. Gray Davis vacuumed up more than $13.2 million in campaign contributions last year .... Davis denies any link between contributions and actions of his administration." (*Chron* 020500)

"Just hours before California voters had their say on a campaign reform measure, Gov. Gray Davis was busy raking in campaign donations at a $25,000-a-head event attended by the nation's largest pharmaceutical companies." (*Chron* 031000)

"Gov. Gray Davis, who says his transportation plan is aimed at easing gridlock by directing money where it is most needed, is proposing to spend $30 million to build an interchange leading to a desert casino owned by an Indian tribe that is a major campaign donor. The interchange would lead to a privately owned outlet mall and to the Morongo Indians' gas station, restaurants and casino." (*Times* 060700)

"Gov. Gray Davis late Friday signed legislation that will give voters a chance to impose limits on campaign donations .... the restrictions would take effect in 2002 for legislative candidates. But they won't kick in for gubernatorial candidates until after Davis runs for reelection in 2002." (*Times* 070800)

"Gov. Gray Davis has raised nearly $21.4 million since taking office in January 1999 — more than four times what his GOP predecessor did in his first 18 months in office." (*Chron* 080100)

AFTER HOSTING a fund-raiser that netted $76,000 for Gov. Gray Davis, a ski industry group won a break it sought on paying overtime to resort employees from a Davis-appointed commission. .... At $76,000, the ski industry association was the 11th-largest contributor to Davis during the first six months of this year .... The most important issue for the group at the time was being granted an exemption from the Davis administration on the state's law that workers be paid time and a half for every hour beyond eight hours in a day or 40 hours in a week .... Garry South, the governor's top political consultant, said Davis favored the exemption long before the fund-raiser. 'To suggest such a cause-and-effect connection between a ski association event and action by the commission completely misunderstands the governor's position, which certainly has not been formed since March,' he said." (*Chron* 080300)

".... 'You go to these events and you empty your wheelbarrow and hope it gets you something,' said a veteran lobbyist who, like most, would speak only anonymously, concerned that his clients might incur Davis' wrath ... June is perhaps the busiest month in Sacramento. That's when the Legislature and governor make decisions about how the state will spend its billions." (*Times* 081400)

".... Gray Davis [will] in January ... [become] chairman of the Democratic Governors Assn., an organization that helps finance gubernatorial candidates and shape statehouse policy .... Davis' fund-raising prowess is a big reason why the other governors looked to him to lead the association." (*Times* 112700)

"Davis, who has raised $21 million since taking office, said he signs or vetoes bills only on their merits. 'I think there's not a major supporter of mine who hasn't had one or two of their measures vetoed,' [Davis] said. 'I take each issue as it comes. You will not find a single person who can't point to both successes and failures. And that is the way I intend to govern.'" (*Chron* 122000)

"Gov. Gray Davis has nominated George M. Marcus, a Bay Area commercial real estate broker and major Democratic donor, to fill a vacancy on the University of California Board of Regents ...." (*Times* 122800)

– 2001

"Gov. Gray Davis has amassed nearly $26 million in campaign contributions at the midpoint of his first term, according to a report filed by his re-election committee yesterday." (*Chron* 020101)

"Davis' war chest dwarfs Republican rivals'; Fund-raising campaign is hauling in average of $34,000 a day." (*Chron* 080101)

"Negative publicity keeps Davis spending fund-raising windfall." (*Chron* 080201)

– 2002

"Gov. Gray Davis doubled his already frantic fund-raising pace in the past three months, coaxing nearly $6 million from contributors to boost his campaign account into a formidable $35.5 million re-election war chest." (*SacBee* 011102) CPR

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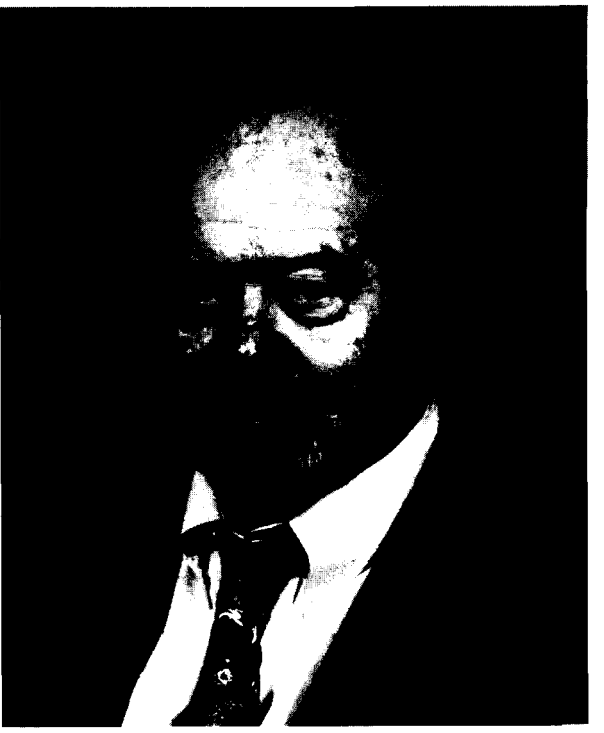
NOFZIGER @ THE WESTERN CONSERVATIVE CONFERENCE — IN JUNE



BY WILLIAM E. SARACINO

"Believing you can win is often half the battle — or more — in politics," said Lyn Nofziger when I asked him his thoughts about the many similarities between this election year and 1966 — mainly the near-universal certitude that a non-politician dedicated to common sense conservative values running for governor could not possibly, A, win the Republican nomination or, B, beat the Democrat incumbent in November. Nofziger, who served as Ronald Reagan's press secretary during his first campaign for governor, said "Reagan believed in himself, believed in his message, and believed he could win. That belief got transferred to the rank and file troops, and it was they who ultimately carried the message and provided victory." What Reagan believed in was the American idea and the American people. Most politicians talk about these things, of course, but few show much real faith in them. What most actually show, by their actions, is a drive for office rooted in ego and personal ambition (*i.e.*, Pete Wilson) or a blind faith in media-generated hot air about "winning" political formulas (*i.e.*, Dick Riordan).

But Reagan believed in something larger than himself, and so could move millions of people to join him in a way Pete Wilson could not. And Reagan knew his political program rested on a foundation of real issues and lasting truths about people and government, and so could blithely ignore the everywhere-expressed conventional wisdom that his candidacy was hopeless. One thoroughly American principle is that it is foolish to be swept up and away by the winds of superficial public opinion, because what counts runs deeper. Another is that ego and ambition are poor substitutes for giving oneself to a worthy cause as we go through life. Reagan's motto, "there's no limit to what a man can do or where he can go if he doesn't mind who gets the credit," tells about all one needs to know to understand his never-failing optimism and his unshakeable belief that he could win. He offered something good, real, and unselfish — in politics, especially, that makes a sellers' market just about every time.

While acknowledging that Bill Simon is not Ronald Reagan (and who could be?), certain important similarities are worth noticing: as Arnold Steinberg wrote recently in *CPR*, "ideas have consequences" for Simon (in contrast to Riordan, for whom "ideas are ideology"). Bill Simon doesn't *need* the job; he does not run to salve his ego or from a desire to win "credit" for himself. He believes in certain ideas and wants to see them put to work; he wants to *do* a job, not for himself, but for the state.

Now, Lyn Nofziger is that rare specimen who understands such political essentials as these, which is what makes so interesting his appearing at this year's Western Conservative Conference (WCC), to be held at the Marriott Hotel at Ontario Airport June 21 and

William E. Saracino is a member of CPR's *editorial board.*

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FIGHTIN' WHITIES

In Greeley, Colo., Little Owl
Who views the white man with a scowl,
Thinks teams that play the white man's games
Should not be blessed with Indian names.
So he has taken action strong
To show the white man he is wrong.
He runs a team invented by
One, James Naismith, an old white guy.
And just to show how Indians feel
And just to make the white man squeal
He's given it a white man's name —
The Fightin' Whities — Oh the shame!
Or so he thought, but now it seems
He's answered some of Whitey's dreams.
He's given him a name to cheer—
"Fight on for Whitey" — loud and clear.
Now that's enough for Little Owl
To blow the whistle, holler "Foul!"
Poor Little Owl! I am afraid
He's made lemon from lemonade.

— Joy Skilmer

22. His speech at the Friday banquet promises a rare chance — amid the vast wasteland of blithering punditry — to hear something important, actually true, and even relevant, or at least readily applicable, to our state's political battles this election year.

Another good reason to hear that speech is to get to know one of the most interesting and entertaining men our nation has to offer. Nofziger came to Reagan from an eventful career as a top political reporter (he was the national politics writer for the Copley Newspapers):

> As I look back, [he wrote in his memoir *Nofziger*] the eight years I spent as a reporter in Washington were the best years of my working life. Aside from the conventions and campaigns, I covered Kennedy's last trip abroad, the sinking of the nuclear submarine Thresher, the Kennedy-Macmillan summit meeting in the Bahamas, and the Kennedy and Johnson inaugurations. I spent a day cruising the Atlantic on the nuclear attack submarine, Skipjack. I was in Berlin two weeks after the communists began building the wall. And I covered the Cuban missile crisis. For eight years I could watch firsthand and up close, and sometimes write about, the events that were making history. It was an exciting time.

In 1964, while covering Barry Goldwater's campaign, Nofziger met Reagan's brother Neil, then working as Goldwater's television advisor. The two became friends, a friendship that eventually led Lyn from the news business into politics. He began by handling Reagan's press, and went on to hold key positions in the Nixon and Reagan White Houses. In-between and afterward, he worked for Gerald Ford and George H.W. Bush in a variety of jobs. His keen political sense was always evident: "My memories of the 1966 campaign," he wrote in *Nofziger*, "start with my talk with Bill Roberts after coming back from an early trip with Reagan. 'There's something out there,' I said. 'I don't know what it is but there's something between Reagan and the people. He's going to be elected governor and someday he might even be president.' Bill looked at me pityingly with his big bulgy blue eyes. He must have wondered what kind of a naive nut he had hired."

Roberts, of course, was one of the sharpest and most respected political operatives of his day, but he, like a great many other grizzled political pros, missed in Reagan what Lyn Nofziger saw plainly.

The theme of the Western Conservative Conference is a second "Reagan Revival." Bill Simon's landslide victory in March, won on a platform of solid, Reaganesque principles, may herald just such a revival. Thus Lyn Nofziger is the perfect choice to keynote the Reagan theme at WCC. As in 1966, the conservative movement and the Republican Party are being written off. As in 1966, we are told that the non-political, conservative GOP nominee is a lost cause before he even begins. And as in 1966, we have a Democrat incumbent who a year ago looked invincible, but now suddenly is vulnerable to the Republican upstart.

The key question to be answered is: how much further can the 1966 analogy be carried? One place to begin getting an answer is the Western Conservative Conference, Friday night, listening to Lyn Nofziger.

(By the way, a third reason to go listen is that I understand Lyn might favor us with some new verse from Joy Skilmer — his poetical *alter ego* — *see* "Fightin' Whities," nearby.)

NOT THAT Nofziger will be alone. On the contrary, this year's Conference promises to be the biggest yet. Once again spearheaded by WCC Chairman Richard Delgaudio, Honorary Chairman Senator Ray Haynes, and Vice Chairman John Stoos, the WCC will bring together conservative activists from throughout California to listen to and be trained by the best of the national conservative movement. Herewith, a brief outline of planned activities and festivities:

Although the conference officially starts Friday, June 21, on Thursday the 20th, the Washington, D.C.-based Leadership Institute will host an all-day "grassroots

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Western Conservative Conference

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training school." The Leadership Institute, founded and run by conservative graybeard Morton Blackwell, has a well-deserved national reputation for training the best and brightest conservative activists — a "must attend" for conservatives interested in maximizing their effectiveness in grassroots politics.

The conference officially opens Friday with an optional tour of the Ronald Reagan Presidential Museum. Any Reagan fans who have not been to the Museum, or visited the Reagan Ranch (now run by Young America's Foundation) in Santa Barbara, owe themselves a sentimental, inspiring journey to these landmarks. Largely free of revisionist obfuscation, these are places to re-capture the sense and feel of the Reagan era, the exuberance and excitement Reagan created in a generation of Californians, Americans, and, eventually, in people around the world. The large section on display of the now long-fallen Berlin Wall is, by itself, a piece of history worth a trip to the museum.

Saturday breakfast will feature U.S. Rep. Ron Paul, hosted by Gary Kreep's U.S. Justice Foundation.

California political talk and state political leaders will be in ample supply throughout the weekend. Last year's most popular speaker, state Senator Tom McClintock — now the GOP nominee for state Controller — will address the conference. Post-primary surveys showed McClintock and Bill Simon, alone among Republican statewide candidates, leading their Democrat opponents heading for November. WCC-attendees will also hear from *CPR* regular contributor, state Senator Ray Haynes, who serves as honorary Conference Chairman for the third year in a row. Haynes and McClintock are two key conservative stalwarts in the California GOP Senate caucus. Each played central roles two years ago in forcing majority Democrats to abandon a campaign to kill the car tax cut passed at the end of Pete Wilson's term. Last year, Haynes and McClintock again emerged as leaders during the mid-summer budget battle over a quarter-cent sales tax increase that Democrats finally forced to take effect last January 1.

Pacific Rim politics will be a third Conference theme, with special emphasis on the Panama Canal and on communist China's stepped-up military activity and growing role in regional affairs. A key WCC underwriter, the United States Intelligence Council, will release a new book, *China Beachhead*, by USIC's Richard Delgaudio, co-authored with John Stoos. Mr. Delgaudio will be on hand to autograph copies.

Also on this theme, Conference-goers will have an opportunity to learn about the activities of the National Security Center, an organization specializing in issues involving the Panama Canal: communist China's extensive activities in and around the canal zone and the continuing strategic importance of the entire Central American/Pacific/Caribbean area. The Center sponsored a recently-concluded fact-finding mission to Panama led by Richard Delgaudio and Major General Richard Anson, USA (ret.). General Anson's long, distinguished military career included service in the office of the Joint Chiefs of Staff and two tours of duty as Commander of U.S. ground forces in Panama. He will lead a panel discussion on "Emerging Threats to American Security." The "all-star" panel will feature six retired generals and admirals and an open, "roving" microphone to take audience questions.

With the conference still more than two months away, organizers continue to line up speakers and panel participants. Bill Simon has been invited, along with several state legislators, and other political leaders.

Will 2002 replay 1966? Be in Ontario in June — you may see the beginning of the answer for yourself. You may even become part of it. CPR

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Plan of

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Another Richardson PAC, Gunowners of California, under *CPR* Editorial Board member William E. Saracino's executive directorship, played a decisive role in defeating 1982's Proposition 15 in a campaign the senator discusses below.

An accomplished author, Senator Richardson has written books on politics, a series of western novels, and hundreds of regularly-published columns for newspapers statewide. While in the Legislature, he aired a weekly radio commentary heard throughout the state. *CPR* asked him to talk about the keys to his effectiveness.

H.L. "Bill" Richardson first entered the California Senate in 1966 — the same year Ronald Reagan was elected governor. During the ensuing 22 years, he bypassed three opportunities to go to Congress, instead remaining in the Senate, working in the GOP leadership. Three redistrictings gave him three vastly differing constituencies during his tenure, yet he convinced each to send him to Sacramento by landslide margins. He left the Senate, following his own timetable, in 1988.

But after nearly 14 years, California continues to feel Senator Richardson's influence. He created five separate, enormously effective political action committees, two of which remain major players in California and Washington D.C. He was among the first to see the power of targeted direct mail, employing it decisively to win California state and national elections. One of his PACs, the Law and Order Campaign Committee, was the organizing force that overcame a governor's veto and passed the death penalty act. It also played a pivotal role in defeating Supreme Court Chief Justice Rose Bird and two of her colleagues. Senator Richardson was a prime mover in a California political movement that so thoroughly discredited the 1960s' and '70s' liberal pro-criminal stance that by 1998 candidate Gray Davis had to praise caning in Singapore — nothing less could distinguish him as even less liberal on the issue than the herd of pols from both parties all now stampeding under H.L.'s "law and order" banner.

CPR: By the time you left the Legislature, many conservatives thought you indispensable to the movement. Were they right?

HLR: No one is "indispensable." Charles de Gaulle said the graveyards are full of "indispensable" men. I did nothing others couldn't do as well or will not do better in the future.

CPR: But no one seems to be doing so yet. Why not?

HLR: Oh, any number of reasons. Some Republicans are overjoyed just at being elected, as if that is the ultimate goal. Election should be considered the first step to becoming the majority; only then can you really change policy. A Republican office holder who isn't working to that end is just taking up space. I soon learned the Legislature was only a "bloody pulpit" for a conservative Republican — and most of the blood would be mine if I tried to move any substantive legislation through that Democrat-controlled body. I could use it as a platform to promote conservative issues, but of the three ways my message could reach the public, I could control only one.

First, I could use direct mail, put out a newsletter, appear on talk radio, give speeches, and write for a limited number of conservative publications and newspapers. This method depended on how much money I could muster.

The second way to reach the public was through

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Action *for a* Grand Old Party

INTERVIEW: SENATOR H.L. RICHARDSON (RET.)

the major TV and print media, which happens to be tilted to the port side. They often doctored my press releases to suit their political correctness and always saw that the "other side" was heard as well. More often than not, Republican press releases were round filed or given slight mention.

The third avenue is the leftist opposition and what they say about conservatism through their multi-varied organizations such as the labor unions, radical leftist groups, Democrat Party, left-wing foundations and their buddies in the mass media. The left "stuck it" to me and us every chance they got.

It was obvious the press and my leftist opposition weren't going to tell the conservative side accurately. I had to figure out how to overcome these obstacles.

CPR: Did you figure it out?
HLR: Yes, one piece at a time. I realized the office I held could be a "bloody pulpit" if intelligently used. I couldn't fight the whole liberal establishment, so I chose a few issue areas where they were vulnerable and I had great interest and concentrated on them: guns and law enforcement. I formed PACs, raised money, hired professional staff, and put out informative newsletters to the given constituencies. I didn't waste time jumping from one subject to another, as most Republican office-holders do. In time I came to be recognized as quite proficient in both fields and received a lot of press because of it.

CPR: As an illustration, tell us about the 1982 defeat of Prop. 15, a ban on new hand-gun purchases.
HLR: Our polling showed us losing by better than two-to-one at the beginning. Gunowners Political Action Committee played a significant role in organizing the leading activists in the gun community: Gunowners of California, NRA, and the California Rifle and Pistol Association. We formed a joint committee to organize the fight, and I made sure our GOC executive director chaired the committee. Overcoming such overwhelming odds demanded highly sophisticated political acumen — acumen the average firearms owner didn't possess. Our survey data showed that law enforcement assistance was vital, support we worked diligently to garner. We had little support in either TV or print media, but by election time we had reversed public sentiment, winning by better than two to one. Tom Bradley, the Democrat candidate for governor, backed the anti-gun initiative and later admitted it was the issue that cost him the election.

CPR: You also helped elect several solid GOP legislators dedicated to becoming a majority — correct?
HLR: A lot more than several. Over the life of the PACs I've helped form in the last 25 years, we've been active in hundreds of races both state and national. That's what it's all about: electing decent, moral citizens to public office.

CPR: You say GOP legislators not working to become a majority just take up space. Don't most aim to take control?
HLR: When I first arrived in the Capitol, I was surprised how politically naïve some of the Republican legislators were, how many were resigned to remain a minority, satisfied just to be part of the Senate club.

CPR: Being "The Loyal Opposition?"
HLR: Loyal to the point of pain. The Demos don't care how many minority Republicans there are as long as they don't attempt to be the majority. They tolerate Republicans as long as they are "schmoozable," polite, good little boys and girls.

CPR: Schmoozable?
HLR: It's a Hollywood term for blowing smoke up one's bazoo. For example, liberal Demos can spot a moderate Republican a mile off. They go out of their way to be friendly and complimentary, buffing up his or her ego. "You're not like those strident right-wingers," they say. "You're a rational, thinking legislator, not given to extremes." The more they fall for this line of pap, the more they are "rewarded" — a nicer office, maybe a vice chairmanship on a standing

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committee, which is really nothing but a title, because Democrats control the committee. They may give or promise a nice, safe district in the next redistricting. One Republican colleague, after voting with the Democrats on a redistricting bill, told me, "HL, *you* know how to make a living on the outside; this is all I know." I admired his honesty, while I felt contempt for his lack of ethics.

CPR: Are today's Republicans any different?
HLR: Not appreciably so. A percentage are cutting the same deals and, basically, making the same mistakes — such as getting wrapped up in day-to-day trivia, wasting time reacting like Pavlov's dogs to Democrat *minutia* rather than following a plan of action toward positive goals.

CPR: What was your plan of action?
HLR: I had to define the problem. When I was in the advertising business there was a saying I'll never forget: "The subject matter dictates the solution." That presupposes knowledge of the subject matter before solutions can be attained. The subject matter here was the methodology of liberal Democrats and of Republicans.

CPR: What do you mean by methodology?
HLR: A brilliant man named Richard M. Weaver once said, "Ideas have consequences." People's actions directly result from their ideas, which are the railroad tracks of the mind. Understand how the tracks are laid and you can predict where the mind will go. Methodology follows intellectual assumptions.

CPR: Do you believe fundamental ideological differences divide the voting public, both Democrats and Republicans?
HLR: No, not much ... but there is a wide chasm between the minority of left-wing Democrats who control the Democrat Party and Republicans who believe in traditional American values.

CPR: Do Republican legislators understand the ideas that motivate the left?
HLR: Not enough of them. Few can even identify the genesis of their own ideas, much less the ideology of the left. A few years ago, I was on a hunting trip with two senior Republican congressmen. I mentioned the term "scientific dialectical materialism," the basic doctrine of Marxist methodology. Neither had ever heard of it. How are you going to fight an enemy you know nothing about?

CPR: What did knowledge of the left tell you?
HLR: Many things: first, that arguing issues logically with the left would get me nowhere. We argue from fundamentally different assumptions.

CPR: And they are?
HLR: The left is committed to implementing a socialist/humanist agenda and no amount of logic based on traditional American values will change their minds. Reasonable men operating from the same assumptions can agree, but if they start from radically different presuppositions, it becomes nothing but a power game.

CPR: What do you mean by: traditional American values?
HLR: Oh, that's simple. There are those of us who believe in God and the opposition that gives lip service to the Almighty or doesn't believe in God at all.

CPR: But some liberals profess belief in God.
HLR: That's why I said lip service. If you believe in the God revealed in scripture, the living God who gave us the Ten Commandments, you couldn't possibly believe in programs such as abolishing the death penalty, or abortion on demand, or covetous taxation. God isn't some good-feelie, whoopee-do, sky-person conjured up while watching a sunset. He is real, eternal, all powerful, so are his laws and so is his Son. This nation was settled, founded, and developed by God-fearing, Bible-reading people. Even a cursory study of American history tells that; in-depth study confirms it emphatically. In fact, every American president referred to America as a Christian country until the 1950s, including F.D.R. and Harry Truman. America was founded on concepts in the Bible. What's more, it was the most successful experiment in government the world has ever seen.

CPR: Critics might call that a narrow view.
HLR: Is the truth narrow? The Bible, God's Word, has been the instruction manual and value guide for Washington, Madison, Hamilton, Adams, Lincoln, Theodore Roosevelt — just to name a few. It is also the best political manual in existence.

CPR: A political manual?
HLR: You bet. What small success I've had was directly based on Biblical concepts. Whether voting or politically organizing, Scripture has been my guide.

CPR: Can you give an organizational example?

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HLR: Sure. Liberal Democrats organize around atheist Marxian concepts; as an example, they relegate people to classes. Class warfare is the heart and soul of their world-view. Nowhere in the Bible are people categorized or relegated by class. Scripture says people are unique, precious in God's eyes, each given talents and capable of reasonable choices. That tells me that instead of categorizing by class, God created us issue-oriented.

CPR: The left has succeeded politically by playing the class card.
HLR: Yes, but only in absence of opposition. Almost any organizational idea that's implemented works better than no organization at all. Leftists have a plan to change America, which they are implementing. The majority of us, especially Republicans, are happy with the USA the way it is. We're not out to change the government our forefathers gave us. By nature, traditional Americans defend the *status quo.*

CPR: Is the *status quo,* then, static, unorganized?
HLR: Correct, by its nature, totally defensive. The best football team will loose if it never goes on offense. Same thing is true in politics. Americans can be instigated into political action by hot button issues with which they identify — pro-life, excessive taxation, national defense, Second Amendment rights, sanctity of the family, to name a few. Properly politically organized, these issues cut class concepts to shreds.

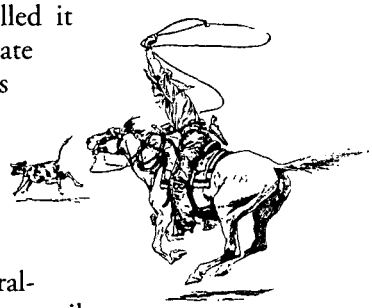
CPR: What do you mean by "properly politically organized?"
HLR: To be effective, political action must have political goals, a Political Action Committee, culminating in the election of decent conservative candidates. Educating people is not enough. Translating knowledge into election victories and, ultimately, control of the Legislature is paramount. The organization must work scrupulously within the law. Because it takes time and funds to organize with any chance of success, the issue must also have what I call "shelf life": it must be around for a long while and the hot button must create deep emotions over an extended period. And a professional staff is necessary.

CPR: Is that expensive?
HLR: Not necessarily. There are bright, young, issue-oriented people who want to be active in politics. Those worth their salt can, in a period of time, help raise enough to sustain their salaries. Seed money, a good issue, and hard work are enough.

CPR: Can such "good issues" always be found?
HLR: *[laughing]* As long a liberals are around, hot button issues will exist. Liberals don't solve problems, they create them. The more power they obtain, the more obnoxious their programs become. But these opportunities can reach a point of diminishing returns. Conservatives can't wait forever to organize.

CPR: Did the gun issue lead you into the direct mail field?
HLR: It was an instrumental tool in politically organizing gun owners. Before I set up Gun Owners of America PAC and Gun Owners of California PAC, the gun movement's PAC activity was practically non-existent. The nation's gun owners eagerly responded to political action. *[Editors note: The NRA's political arm, ILA — Institute for Political Action — was formed after and in response to GOA's political action success.]*

CPR: Did that lead to other PACs?
HLR: Yes, but each new area demanded a different approach. For example, Californians wanted the death penalty restored and stronger laws. Protecting the innocent public should be the Legislature's first job, but liberal Democrats gave rights of criminals precedence. I formed Law and Order Campaign Committee to fight crime. We supported Senator George Duekmejian's death penalty bill. I hired away from the LAPD a bright officer to head the committee and quickly wound up with about 65,000 active financial supporters, not to mention hundreds of thousands of petitions returned in response to our mail. I loaded 27 huge mailbags on a cart and rolled it onto the Senate floor during debate on overriding Governor Brown's veto of the bill.



CPR: But Democrats controlled both houses and a veto override requires two-thirds to pass.
HLR: Yes, but we succeeded by rallying public support through the mail and built tremendous pressure on targeted Democrats. Several defied their leadership and voted with us. I had a terrific time.

CPR: Did that victory help Duekmejian become Attorney General?
HLR: It certainly didn't hurt him.

CPR: How did you do all this and still keep your Senate seat?
HLR: My PACs gave me great visibility with my con-

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stituents. They liked the issues I promoted. The PACs also gave me independent fund-raising ability. No strong Democrat opposed me for Senate.

CPR: With your book-writing and running three state PACs and a national PAC, the Senate Republican Caucus, a direct mail business, and your Senate office, did you neglect your family?
HLR: I can honestly say I probably saw more of my family than most other legislators saw of theirs. I rented a home and brought my family to Sacramento. I learned early that constituents don't mind if leave them physically, as long as you don't leave them philosophically. I hired bright, moral people and gave them direction and I learned how to manage my management time.

CPR: How?
HLR: I attended weekend classes to learn how. Many legislators poorly manage their staff, schedule, personal family time, constituent demands, colleagues, the bureaucracy, legislation — it overwhelms them. I can't express how valuable that management education was for me. Legislators often can be pushed around by their staff and don't even know it. I learned to control it.

CPR: Was the Legislature then as partisan as now?
HLR: The Assembly was heavily partisan when I arrived in 1966. Jesse Unruh saw to that. The Senate still had a vestige of non-partisanship under the pro-tem leadership of Hugh Burns, a conservative Democrat from Fresno. However, the radicals in his Party were gaining strength. Many of them came from the Assembly to the Senate in the 1966 election. Soon they formed a highly-partisan Democrat caucus, the first in the state Senate. It was only a matter of time before they took control of the office of the pro-tem, the majority leader, and caucus leadership. From there on, it was raw-boned partisan power in both houses. They started changing rules to serve politics, freezing out any real bipartisanship. But most Republican legislators didn't wake up to what was happening and the Demos weren't going to give them no-doze. They continued to play the "we're all members of the same gentleman's club," schmoozing the gullible.

CPR: Has committee work changed over the years?
HLR: When I came to the Senate, a committee quorum had to be present to hear bills and when testimony was finished, the vote was taken. Roll calls weren't held open. You couldn't wander in hours later to cast your vote. Committee attendance was important; even minority party members could play a role. Today, unless the TV cameras are present, the hearings are little more than dog and pony shows.

CPR: Does that depress you?
HLR: Not much. I've learned never to get upset when dogs bark, jackasses bray, and snakes wriggle. It's their nature to do so. Liberal Democrats have their own nature as well; what they do doesn't upset me. Their behavior is based on false premises. If you understand them, they are something to take advantage of politically. Sun Tsu said victory comes when you know your enemy as well as you know yourself. I've spent a lot of time studying the left, their authors and the genesis of their beliefs. Also, it is equally important to understand the origin of traditional American values.

CPR: Why?
HLR: Several reasons: to understand why we react inadequately to leftist tactics and to comprehend why our ancestors had such an aversion to government. They knew that, by its nature, government is the enemy of a freedom-loving people. It grows geometrically, becoming uncontrollable bureaucracy if given the chance. That's why the Constitution limits government. Americans have forgotten that. When I entered the Legislature, the state budget was four billion. Now it's more that 100 billion. Population has increased by a third, but state government costs have ballooned to 25 times what they were. Government doesn't run on hot air, but on hard cash: money it covets and plunders from taxpayers.

Voters should know a bureaucrat gets promoted in only two ways: either a superior dies or retires creating an opening, or the bureaucrat creates a reason for his department to expand, needing more employees and more upper management positions. It doesn't take a genius to figure out that bureaucrats are in the business of finding problems, not solving them.

CPR: Did you get along with your Democrat colleagues?
HLR: I'm a friendly cuss. I got along with my colleagues and with the lobbyists. As a Christian, I'm called to be civil to all my neighbors. But none of them were friends, just acquaintances. I believe effective legislators can't afford the luxury of friendships with lobbyists and men you should try to defeat in the next election. Only rarely did I mingle socially with any of them. My 22-year legislative experience was all business. I agree with Harry Truman's advice: "In the world of politics, if you want a friend, get a dog." CPR

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Stirling

(Continued from page 9)

vis medical school in both 1973 and 1974, while admitting far less academically-qualified minority applicants. He contended that UC Davis's quota-like process made him a victim of reverse discrimination. With only a modest attempt to disguise their long-range objective, the Regents argued that their diversity admissions program was not a quota system, but merely a goal. Although the Court found reverse discrimination and ordered Bakke's admission, a five-to-four majority allowed the university to continue utilizing skin color, but as "a single important (not the primary) element" in the selection process. The *Wall Street Journal* editorially criticized the Court's use of this language as setting the stage for "discretionary mischief" by the Regents. As the UC administration's response to the "Cook Report" 16 years later would demonstrate, that criticism was, if anything, highly understated.

Two years after that 1994 Regents' meeting, public university Professors Glynn Custred and Tom Wood, who had seen and experienced the unfairness of race-preferences, presented to California voters a state constitutional initiative measure they titled "the California Civil Rights Initiative." Proposition 209 reads simply: The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of ... public education ...." It passed by a substantial margin.

Once the measure was declared constitutional by the federal courts, the UC administration was obligated to bring the university's admissions program into compliance with the new law. Indeed, in their oath of office, each Regent swears to uphold the state constitution. After all, unlike the Supreme Court's malleable language in *Bakke*, this language does not lend itself to "discretionary mischief." But instead, the Regents have now defiantly adopted "Comprehensive Review."

From the little now known about the new criteria, even cynics must wait to see whether or not it proves to be race-neutral. But in time, the UC administration will have to demonstrate that increases in the number of so-called under-represented admittees beginning next fall were not caused by race-preferenced policies or practices. Because a secretive, subjective process involving thousands of individual selection decisions is incompatible with the keeping of coherent records, the UC administration will find that burden unsupportable. The immense cost of their attempt will be borne by the same California taxpayers who meant Proposition 209 to be the final word.

Klamath Victory

(Continued from page 12)

ers of Klamath have not adversely impacted the ecosystem of Klamath nearly so drastically as the innumerable urban communities that dot the state and the nation. Indeed, if we are to believe the sloppy and entirely unsupportable sentiment, expressed in the *Times* editorial, that "when an entire species is sufficiently threatened to require protection, it usually means that the same ecosystem will eventually fail the humans who depend on it as well," the world would have been doomed long ago by the likes of New York, Boston, Chicago, Miami, and Los Angeles. Are we really to believe that the vital key to the survival of our environment lies in sleepy little Klamath Basin — a community of ten thousand people? It is beyond belief.

All of this is not to say that environmental values are without merit. Indeed, there are valid reasons to establish national parks and monuments and forests, to protect flora and fauna. The "intangible benefit" mentioned by David Brower is indeed real, but the benefit is only meaningful in terms of the quality of human life, and our appreciation for the welfare of all living things and for nature itself. The environmentalist mantra that the world will end because some obscure bug or snail is endangered is flummery and, what is worse, it is mendacity employed in service to a more insidious goal: destroying the rights of other people to enjoy the fruits of nature.

Fundamentally, the Klamath Basin crisis is a microcosm of the larger battle being waged in the public's collective mind about the environment and the land, but contrary to the dire and hand-wringing picture painted by the environmentalist crowd, it is assuredly not about man *vs.* the environment, man *vs.* nature, or even man *vs.* fish. No, it is the same battle that has been waged for centuries, and which is likely to go on until the end of time: it is about man *vs.* man. I have no particular desire to see the sucker fish of Upper Klamath Lake go extinct, and I think we should make every reasonable effort to restore Pacific salmon runs. But everyone is getting David Brower's "free ride" every time they shop in a supermarket, drive to the mall, sleep in their cozy houses, or even turn on the shower.

We're all benefitting from human manipulation of the natural world to make our lives more comfortable, more enjoyable, and longer. So when it comes to the Klamath Basin farmers, I have little tolerance for anyone — especially duplicitous environmental activists — who says these farmers owe it to the rest of us to give up their livelihoods and leave.

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Stirling

(Continued from page 9)

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CRITICUS

Decline and Fall

BY G.B. TENNYSON

Gibbon's divine 'Decline and Fall'
Seems very flimsy, no more than a whimsy
— Noël Coward

THE NOTION that things were once better and are now declining, even moving inevitably to a final ruin, is as old as human history. Horace in one of his odes says "the centuries roll back to the ancient age of gold." The idea was readily Christianized, as it coincided with the doctrine of the Fall when our first parents, as Milton styled them, ate of the "Fruit of that Forbidden Tree, whose mortal tast[e] / Brought Death into the World, and all our woe." The Edenic, prelapsarian world is seen as the first and true Golden Age, but subsequently throughout history particular periods have been designated golden ages for particular societies and cultures — the Greece of Pericles, the Rome of the second century A.D., the England of Elizabeth I, the "Splendid Century" of Louis XIV in France, to cite but a few of many so-called Golden Ages.

G.B. Tennyson is CPR's *official cartographic consultant and sometime vaticinator.*

Along with the retrospective designation of a particular period as a golden age there have been prophecies of doom and destruction regarding the age in which any given prophet is living. The end of the first millennium found many people believing that the Second Coming was at hand, just as many today believe that the establishment of Israel signals the Second Coming, and they are preparing for the Rapture. (This view does not seem to be shared by the Israelis themselves, let alone the Palestinians.)

This long history of doom-saying, however, usually involved *universal* prophecies and forebodings of a mainly religious sort, as exemplified by that staple of the cartoonist's trade, the ragged looking man (it is always a man) bearing a sandwich-board sign proclaiming: "Repent! The End is Near." (Has anyone ever actually seen such a phenomenon? Not just a sandwich board sign, of which Criticus has seen a good number, but the specific message?) Sandwich boards aside, it seems to have been reserved for the period beginning somewhere in the late nineteenth century for prophecies of destruction to have focused on particular contemporary cultures as being in decline and in danger of extinction. Thus an eighteenth-century

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Gibbon could look back from the comfort of his desk on the shores of Lake Geneva and *chronicle* the long-ago decline and fall of the Roman Empire, but it took a twentieth-century Spengler at his desk in World War I Munich to *prophesy* the decline of the very culture in which he was living.

The Western or Faustian civilization in which Spengler found himself was in his view in its autumn moving towards its winter. The soul had gone out of it.

Pre-Spengler there were some similar kinds of warnings, though not so elaborated and philosophically grounded as those in that heavy Teutonic tome from 1918, *Der Untergang des Abendlandes* (*The Decline of the West).* The nowadays much misunderstood Kipling sounded such a warning in his also much misunderstood poem *Recessional,* written on the occasion of Queen Victoria's Diamond Jubilee (1897) when the British Empire was the greatest the world had known since the Roman: "Far-called our navies melt away; / On dune and headland sinks the fire; / Lo, all our pomp of yesterday / Is one with Nineveh and Tyre." Kipling, of course, does not in the context of a short poem give any cause for this future decline, and one suspects he is simply taking the conventional view that empires have always risen and fallen. But he had the daring to do so at the moment of his own nation's imperial greatness.

Oswald Spengler also saw history as cyclical, but his vision was of whole civilizations, not just of nations or even empires. He offered what he called a cultural morphology, positing eight great civilizations, each with its own dynamic, each lasting about one thousand years. The Western or Faustian civilization in which Spengler found himself was in his view in its autumn moving towards its winter. The soul had gone out of it, and it was no longer a time to be a poet, artist, or philosopher; better, he thought, to be an engineer, soldier, or politician, not such a bad prediction for the twentieth century. And not an entirely comforting one. Spengler's slightly younger contemporary, the English historian Arnold Toynbee, was influenced by Spengler's work, but his own massive, ten-volume opus, *A Study of History* (1934-1954) posited twenty-one civilizations that all passed through similar cycles of growth and decay. Toynbee's categories of challenge and response, time of troubles, reaction, universal state, and collapse, seem even today, when neither Toynbee nor Spengler is much read, fairly close to the mark.

There were other cultural critics with similar views between the time of Spengler and Toynbee and the present. These were mostly concerned with various aspects of decline in *American* culture and chiefly only by implication in the civilization as a whole. One thinks of Richard Weaver, the Southern Agrarians, the late Russell Kirk, and others, including some contemporary critics of British cultural eclipse like Roger Scruton and Peter Hitchens. But the most notable post-Toynbee instance of a critique of Western decline as a whole was the late James Burnham's *Suicide of the West* from 1964. In a nutshell, Burnham saw liberalism as the fundamental cause of Western decline, the soulless, deracinated liberalism that is even more regnant among the elite today than it was when Burnham was a senior editor at the then-youthful *National Review,* which at the time was a voice of traditional conservatism. (Query: Has *National Review* itself in roughly a mere half-century recapitulated the rise and fall posited by Spengler-Toynbee?)

Onward to the present. We now have another entry in the list of works prophesying the extinction of western civilization. It is Patrick Buchanan's *The Death of the West,* a work that has garnered attention from even some of the liberal press. Buchanan is, of course, so well known and such a practiced hand at television appearances and effective sound bites that he has been harder to ignore than other recent dissenting voices on other issues, such as Bernard Goldberg, Larry Elder, and Kenneth Timmerman, who are called up for appearances only on the Fox News channel. Even so, Buchanan has not received a particularly warm welcome from neo-conservatives, which perhaps indicates just how far into decline the West has fallen.

Note that Buchanan's title is reminiscent of both

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Spengler's and Burnham's. Oddly, Spengler is not cited at all by Buchanan; Toynbee appears once, fleetingly; and Burnham appears three times, only one of them with a quotation of an effective Burnham passage. The fact is that Buchanan's is a more journalistic undertaking than the works it descends from. This does not mean that it is without depth or substance. On the contrary, Buchanan shows considerable familiarity with many contemporary thinkers, and he displays his customary skill at summarizing and capsulizing the ideas of other writers and thinkers. For the average modern reader, Buchanan's presentation of the thought of such as Frantz Fanon, Antonio Gramsci, the Frankfurt School, and other "cultural Marxists," as he tellingly labels them, is decidedly clearer and easier to digest than the material in the original.

All the above being said, it is still the case that *Death of the West* is intentionally designed for a popular readership. Thus, along with the pocket philosophical summaries, there is an abundance of discussion of contemporary politics, public activities, p.c. follies, leftist lunacies, student stupidities, and the like. All of these Buchanan flays with a bold whip. It makes for a kind of grim entertainment and can be recommended for that alone.

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It is not, however, the element of popular attack journalism that in Criticus's view most commends this book to the reader, but rather the fundamental thesis that provoked the undertaking in the first place. It is a matter that has been insufficiently explored on the right and almost wholly ignored on the left. It is the issue of what Buchanan calls "dying populations" in the West exacerbated by "immigrant invasions" from the east and south. Many thoughtful people have been dimly aware of the former, and many more, especially in places like California, have been quite aware of the latter. Criticus likes to count himself among the number of the thoughtful, but even he had a very imperfect grasp of the enormity of the problem, especially as it applies to Europe. What would at first sight appear to be the least interesting aspects of a book on what we have come to call the culture wars (did Buchanan himself introduce the term "cultural war" in his address to the 1992 Republican National Convention in Houston?), namely, population statistics and trends, turns out to be the most compelling.

Throughout the book Buchanan repeatedly adverts to population problems. But it is the first, rather brief, chapter that addresses population decline most directly and the fifth chapter that most fully addresses the frightening other side of the coin: the population explosion in other parts of the world, especially in Muslim countries. Without replicating all of Buchanan's many statistics, which are mainly gleaned from United Nations population studies, let a few be highlighted. He writes: "In 1960 people of European ancestry were one-fourth of the world's population; in 2000, they were one-sixth; in 2050, they will be one-tenth." As for Europe specifically, in 2000 the population was 728 million; by 2050 it will be between 550 and 600 million.

These statistics assume a continuation of present population trends and no immigration. Trends can, of course, reverse, but it is difficult to see how when the base for such a reversal is steadily sinking. That is, there are fewer and fewer young to bring about any such massive increase as would be necessary to reverse the trend. Meantime, as regards immigration, in the wings lurk the hordes of the third world. For Europe this means chiefly the rapidly multiplying Muslim countries. Buchanan gives statistics for these too, which I have rounded off for ease. The population of central Asia (all those countries that end in "-stan") will by 2025 have increased from 78 to 117 million; by the same date Iraq will have gone from 23 to 41 million and Iran from 67 to 94 million. And if Central Asia and the Persian Gulf pose a potential threat to Europe, think of the fate of Israel. By 2025 Israel is projected to have a population of 8 million. By the

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same date Jordan, Egypt, Syria, Lebanon, and Saudi Arabia together will have 177 million. Israel will be finished. And there will be a very earthly Rapture for Islam, which will have found its own Final Solution.

THE SITUATION is similar elsewhere across the map. We all know that Mexico is exporting its overflow millions into the U.S. southwest even as it stations troops on its own southern border to repel Central Americans. China will probably take over the Russian Pacific territories and Siberia as well. Only sub-Saharan Africa, despite extensive population increases, is likely to be left out of the game of exporting people because of the massive inroads of the AIDS epidemic, unless western science succeeds in finding a cure and the American taxpayers are euchred into sending medications to save those who cannot save themselves and who will not save the West. In any case, South Africa is doomed, as the former (Southern) Rhodesia, now Zimbabwe, already has been.

Richard Brookhiser in *National Review* slammed Buchanan as a 'timorous intellectual' whose views had been 'blindsided' by September 11.

Buchanan's book has been selling extremely well, although it has been ill-received by the dominant media, which is no surprise. Perhaps it should also come as no surprise that it has been equally ill-received by neo-conservatives. Jonah Goldberg, editor of *National Review Online,* wrote a highly negative piece about it in the Sunday "Opinion" section of the *Los Angeles Times,* concentrating, as most reviewers have, on Buchanan's anti-immigration stance, saying that the "writings of the anti-immigration right are a bonfire [*sic*] of fear and hyperbole." He also attacked Buchanan's "personal ideologist of choice," Samuel Francis (cited exactly twice in the book) and Peter Brimelow (cited once) with his "shrill anti-immigration website." (It's *vdare.com,* if you want to check it out.)

Richard Brookhiser in the published *National Review* slammed Buchanan as a "timorous intellectual" whose views had been "blindsided" by the September 11 attacks and the resulting surge of patriotism. How that alters Buchanan's demographic argument is not addressed. Indeed, Brookhiser blithely concedes that "Europe truly looks like a goner," then tells us to pull up our socks and get on with it, not really specifying where we are going. Like most of the negative reviews Brookhiser's also imputes racism and other dark motives to any criticism of immigration. It's all very much in the vein of the remark Criticus heard on radio from the neo-conservative Fred Barnes, who said Buchanan's views reveal the "dark underside of conservatism." These assessments from the alleged right reveal to Criticus the dark underside of neo-conservatism.

The fact is that Buchanan's doomsaying deserves to be heard and heeded, even though it may already be too late. The demographic problem makes acute the issues in the culture war, for it is not at all clear that the immigrants in either Europe or the United States will assimilate. In Europe they almost certainly will not. Criticus recalls that some years back when he was seeking directions in the noble cathedral town of Speyer in Germany he approached two women walking along the street. As soon as he came face to face with them, he realized he had picked the wrong people, but he asked anyway. The women, wearing Muslim headscarves, just shook their heads. They spoke no German. They were Turks. They just lived there. Future immigrants will be much the same, except that with their numbers and power they will probably convert Speyer Cathedral, where four German emperors, three empresses, and four kings are buried, into a mosque.

In America the situation will be marginally different because the tide of immigration is coming mainly from an immediately adjacent country with some cultural affinity with the host country. But for more "fear and hyperbole" read Buchanan's chapter on "La Reconquista," the movement to reclaim the lands lost to the United States in the Mexican War. The term itself is revealing, for it was the one used in Spain in the movement to drive the Moors out of the Iberian Peninsula, a feat finally accomplished by Ferdinand and Isabella. Today it is being used to mean driving out persons of European descent from the American southwest. Buchanan's account of the movement for reconquest con-

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tains the interesting information that the candidate who lost the recent mayoral election in Los Angeles by only forty thousand votes had as an undergraduate chaired the UCLA chapter of MEChA, The Chicano Student Movement of Aztlan, dedicated to the Reconquista. This affiliation was effectively ignored by the media throughout the election campaign. Equally downplayed was the fact that Mr. Villaraigosa failed the bar exam four times, but that may have been providential, considering the trouble lawyers cause.

Prophecies are notoriously unreliable. Nuclear winter never arrived, oil supplies have not run out, and global warming is still heatedly debated.

So, WHAT, if anything, is to be done? Buchanan is very gloomy on prospects for a reversal of western decline, so Criticus will have to find that elusive silver, or at least pewter, lining. He does so, first, by noting that prophecies are notoriously unreliable. Nuclear winter never arrived, oil supplies have not run out, and even global warming is still being heatedly (how else?) debated. A Danish scientist, Bjorn Lomborg, has lately stirred outrage among doomsday environmentalists by showing that acid rain has not destroyed great patches of forest, that natural resources are not running out at anything like the rates predicted, that 40,000 species are not becoming extinct every year, and even that population growth is falling faster than anyone predicted ten years ago. Of course, this latter fact may be based on worldwide statistics and not alter Buchanan's argument about Third World population increase. But Lomborg's points should make one at least a bit skeptical about long-term prophecies.

Criticus, however, will go beyond merely urging caution when dealing with prophesy and point out that all manner of unforeseen things can occur. Fire, flood, and pestilence are constants in life, even if not predictable as to when, and they can sap the will and alter populations. At this very moment vast tracts of northwest China as close as fifty miles from Peking (Beijing to you moderns) are being rendered uninhabitable by sand storms. Large-scale wars, especially if nuclear and/or biological, could not only wipe out many millions but could alter views and behaviors regarding reproduction and family size. The destruction of, say, Iran and Iraq would greatly concentrate the Muslim mind.

On a less cosmic level, societies can also change their views. If the United States chose to, it could in fact patrol its borders and stop illegal immigration. Europe could curb its absurdly generous welfare provisions and instead pay incentives for childbearing. Probably the most needful thing is a religious reawakening in the West. Without it, we will remain too much at ease in Zion, and Zion will be lost.

So, to put the cloud back on the silver lining, Criticus feels compelled to close with his own gloomy vaticinations. First, the United States will one way or another lose a substantial portion of the southwest, which will either unite with Mexico or become the separate nation of Aztlan. Second, at some point when the spineless American government is negotiating about giving over more territory, large voluntary militias will arise and engage in spirited battle with Aztlan or the U.S. government, or both. Third, this will end in secession of the heartland states and the Pacific Northwest, joined with Alberta and British Columbia and Alaska, to form a new nation that could be called the Independent States of America, or ISA. Fourth, this development will enable the South to rise again as the independent Confederate States of America, CSA. Hawaii can join Japan (also on the dying population list) or go it alone as a restored monarchy. The remnant northeast and the industrial states of the near midwest with New York City as capital will retain the name of the USA. Dissenters from any of these nations will have a reasonable period of time to move to one of the others they find more hospitable and that will accept them.

Come to think of it, this isn't such a gloomy prediction. There is much to be said for this sort of nation building. Criticus is even now working on a map showing the new boundaries. Look for it in a future number.

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